

CHAPTER ONE

BACKGROUND ON DOMESTIC VIOLENCE

1.1 INTRODUCTION

Human rights are international norms that protect every person, everywhere, from severe political, legal, and social abuse. The concept of human rights developed largely from Western political theory about rights of individuals to autonomy and freedom¹. International human rights law developed in order to protect individual from violation of their rights that may be committed by states. One such area of violation which has raised concern is domestic violence against women, and especially rural women².

Domestic violence is variously known as domestic abuse, spousal abuse, child abuse or spousal partner violence (SPV). It can be broadly defined as a pattern of abusive behaviors by one or both partners in an intimate relationship such as marriage, dating, family, friends or cohabitation³. Domestic violence against women is any act of gender-based violence that results in psychological, sexual or physical harm or suffering inflicted on women. It includes threats of deprivation of liberty and may take place in public or private life⁴.

¹ Abhinaye Ramh and Janice Juddy. An expect from a paper that examines the implication of addressing domestic violence as a human right issue. Available at<http://www.euowrc.org/06.contributions/1.contrib.../51_contrib.en.htm - Cached .Accessed September 2010.

² Free Article about 'Domestic Violence as a human rights issue'. AccessMyLibrary.com. Accessed September 2010.

³ Wallace, Harvey (2004). Family Violence: Legal, Medical, and Social Perspective. Allyn & Bacon, 2.

⁴ Mary Ellseberg and Lori Heise (2004). Gender Based Violence: A Human Rights Issue, 23. Available at <http://www.kit.nl/net/KIT_Publicaties_output/showfile.aspx?e=1021>.

It is assumed that violence against women encompasses, but is not limited to, the following⁵:

- a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- c) Physical, sexual and psychological violence perpetrated or condoned by the state, wherever it occurs.

Acts of violence against women also include forced sterilization and forced abortion, forced use of contraceptives, female genital mutilation, female infanticide and prenatal sex selection⁶. In the world as a whole, it is understood that between 10% and 69 % of women report physical abuse by an intimate partner at least once in their lives⁷. Between 6% and 47 % of adult women worldwide report being sexually assaulted by intimate partners in their lifetime⁸.

⁵ Ibid.

⁶ Beijing Declaration and Platform for Action, Fourth World Conference on Women, Beijing, China, September 4-5 (1995). U.N. Doc. A/CONF.177/20 (1996), paras.11-13.

⁷ January, E.S (2003). "A Social Work Study on Health Consequences of Domestic Violence against Women" Unpublished Master's Thesis. The University of Western Cape. South Africa, 14.

⁸ Ibid.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) states that all member states are obliged to act with due diligence to prevent violations of women's rights, to investigate and punish acts of violence that occur, and to provide assistance and compensation to victims of domestic violence⁹. This is also supported by other human rights conventions that oblige states to work actively to prevent domestic violence¹⁰.

The introduction of apartheid laws in South Africa led to economic and social crisis that resulted in extraordinary high rates of violence. Decades of apartheid state-sponsored violence and reactive community insurrection is highlighted in the report of the Truth and Reconciliation Commission¹¹. The apartheid laws oppressed Blacks and deprived them of their human rights.

Domestic violence also dominated national public debates and stimulated activism by community-based activism and on Non-Governmental Organizations (NGO's)¹². The nature of the problem was also recognized by the African National Congress (ANC) led government from its relatively early outbreak because of the concern of the ANC for the rights of South Africans at large¹³.

⁹ Convention on the Elimination of All Forms of Discrimination against Women, Article 4 (c). (1979). Available at http://www.wlce.co.za/.../violence_against_women.

¹⁰ European Convention on Human Rights and Fundamental Freedom (ECHR) (1950).

¹¹ Truth and Reconciliation Commission (1998).

¹² Abrahams, N, Jewkes, R and Laubsher R. (1999). "I don't Believe in Democracy in the Home: Men's Relationship With and Abuse of Women". (CERSA) (Women's Health) Medical Research Council. Available at <http://www.mcr.ac.za.gender/protect.htm>.

¹³ African National Congress under Nelson Mandela.14.1Tricameral parliament.

It is understood that the province of Kwa-Zulu Natal consists of more rural areas than urban areas. The majority of people in the province are indigenous rural people and largely women. It is alleged that domestic violence is prevalent among rural women in KZN and this violence is culturally linked.

There are concerns that the prevalence of domestic violence against rural women of Sisonke District Municipality is high¹⁴. Such violence is alleged to be culturally related. It is understood that there is a difference between rural and urban women. Women who live in rural areas have no access to health care centers. They only have access to a mobile clinic once in a month. Most of the women give birth at home and unattended, due to lack of health facilities. They live under poor conditions and they are controlled by their husbands. Although those living in cities enjoy good access to health care, they do not escape abuse and violence¹⁵.

The most common form of domestic violence against rural women in Sisonke District is physical, psychological and sexual violence that occur in the family. It is assumed that the form of violence is increasingly caused by culture and customs, illiteracy and poverty. With regards to culture, the level of violence is likely to be high if a man is married to more than one wife¹⁶. There are concerns that polygamous marriages are

Available at <[http://www.en.wikipedia.org/wiki/South Africa under apartheid](http://www.en.wikipedia.org/wiki/South_Africa_under_apartheid) -
Cached>.

¹⁴ Sisonke District Municipality Integrated Development Plan (IDP) Review.2010/2011.devplan.kzntl.gov.za/.../UGU%20Final%20IDP%202010-%202011%20>.

¹⁵ Johnson, R.M (2000). Rural response to domestic violence: policy and practice issues. Federal Office of Rural Health Policy. Retrieved September 24, 2005. Available at <<http://ruralhealth.hrsa.gov/pub/domviol.com>>.

¹⁶ Soul City Institution for Health and Development Communication (2000). Violence Against Women in South Africa. A Resource Centre for Journalists. South

among the factors contributing to domestic violence among rural women. Finally it is alleged that there are no available resource centers for victims of domestic violence.

As a consequence of domestic violence in Sisonke District Municipality, many women are at risk of abuses from their families. Abused women are at a high risk of suffering from disabilities, emotional stress, poverty, alcohol dependency, contracting diseases like HIV and AIDS, loss of home and loss of life. Domestic violence also drives kids to the streets because children flee from violent parents and homes¹⁷.

1.2 STATEMENT OF THE PROBLEM

There are concerns that domestic violence against women is more prevalent among women who resides in rural areas. This is a challenge encountered by women from all spheres of life. Violence against women violates their fundamental human rights. The rights of women that are violated include, among others, the right to equality and dignity enshrined in the Constitution¹⁸. Domestic violence and abuse against women prohibits the latter from exercising their right to participate in the community and freely express their views¹⁹.

There are concerns too that the prevalence of domestic violence against women in rural areas is not well documented. Of great concern is that these women are not aware of men's abusive tendencies. It is understood that the abuse of women of Sisonke District Municipality is associated with culture. This problem emerged as a concern from community gatherings (*Imbizo*) where women stated that they were victimized by their partners. This concern was also aired by local radios (East Coast Radio and *Ukhozi*

Africa, 54.

¹⁷ Ibid.

¹⁸ Section 9 of the Constitution of Republic of South Africa (1996).

¹⁹ Ibid, Section 15 and 16.

FM) whose programs include stories of domestic violence because of the high rate of incidents of domestic violence against rural women.

The prevalence of violence raises concerns regarding human rights protection. Not many women know where to go when faced with violence and abuse. This is exacerbated by the fact that violence occurs in a domestic relationship and may be understated in nature. To make the matter worse, when such violence occur the victims are helpless due to lack of facilities such as health service and guidance and counseling centers. Hence the study seeks to investigate the causes of domestic violence against rural women in Sisonke District Municipality.

1.3 RESEARCH QUESTIONS

- Why is domestic violence so prevalent among rural women?
- Are rural women aware of their rights?
- Does the dependence of women on men have any effect on domestic violence?
- Does culture play any role on violence against women?
- Are there any available resource centers to report cases of violence and counsel those affected women?

1.4 PURPOSE OF THE STUDY

The purpose of the study is to investigate domestic violence that is prevalent amongst rural women in Sisonke District Municipality. This study seeks to solicit different views of the community on domestic violence and the availability of centers that give guidance and counseling on those affected by violence.

1.5 OBJECTIVES OF THE STUDY

The objective of the study is to find out whether women in Sisonke District are aware of their human rights. The study will further assess whether the dependence of rural

women on men affects domestic violence. The study will investigate whether culture impacts negatively on violence against women.

1.6 ASSUMPTIONS UNDERLYING THE STUDY

This study will assume that in rural areas there is high prevalence of domestic violence which is caused by the lack of awareness among rural women and society at large. It will be further assumed that most rural women are victims of domestic violence because they are afraid of their husbands, given their cultural background. The study will further assume that there is scarcity of health services and resource centers for victims of domestic violence.

1.7 SIGNIFICANCE/RATIONALE OF THE STUDY

The study intends to gain a better understanding of domestic violence against rural women. Among others, it seeks to help policy makers and practitioners to come up with policies and strategies that would assist to limit domestic violence against rural women, provide a platform for vulnerable rural women, and assist men to contribute positively to the fight against domestic violence in rural areas. It is also intended to raise critical awareness on the seriousness of domestic violence amongst rural women and also officials, as a means of effecting behavior change.

1.8 DELIMITATION OF THE STUDY

The study focuses on domestic violence in Sisonke District Municipality. It will concentrate on women between the ages of 20 to 45 years because many women between these ages commonly live with their spouses. It will further look at the effects of culture on domestic violence. The population of the study will comprise of representative from the Department of Social Development, South African Police Service, and House of Traditional Leaders in Sisonke District Municipality. The study will focus on these institutions because they deal with the rural community in Sisonke District Municipality. Data collection will rely mainly on views and perceptions of the

respondents and documents. The interviews will be comprised of women and some men in order to compare and balance the views of victims and perpetrators of domestic violence.

1.9 DEFINITION OF CONCEPTS

1.9.1 Domestic Violence

Domestic violence is known as domestic abuse, spousal abuse, child abuse or spousal partner violence (SPV). It can be broadly defined as a pattern of abusive behaviors by one or both partners in an intimate relationship such as marriage, dating, family, friends or cohabitation²⁰.

1.9.2 Violence against Women

Violence against women means all acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts²¹.

1.9.3 Abuse

Abuse is defined as the systematic pattern of behavior in a relationship that is used to gain and maintain power and control over another²².

1.9.4 Discrimination

Discrimination is the unfair treatment of a person or group of persons on the basis of prejudice about race, ethnicity, age, religion, or gender²³.

²⁰ Shamai M. (2000). Rebirth of the Self: How Battered Women Experience Treatment. Clinical Social work Journal Vol. 28, No. 1, Spring (2000), 151.

²¹ See Article 1 par J of the Protocol to the Africa Charter of Human and Peoples' Rights on the Rights on Women in Africa.

²² See note 20 above.

²³ Wikipedia, the Free Encyclopedia. Introduction to sociology. (7th Edition). New York

1.9.5 Discrimination against Women

Discrimination against women means any distinction, exclusion or restriction or any differential treatment based on sex and whose objectives or effects compromise or destroy the recognition, enjoyment or the exercise by women, regardless of their marital status, of human rights and fundamental freedoms in all spheres of life²⁴.

1.9.6 Community

Community refers to a group that is organized around common values and is attributed with social cohesion within a shared geographical location, generally in social units larger than a household²⁵.

1.10 LITERATURE REVIEW AND CONCEPTUAL FRAMEWORK

1.10.1 Statistics on Violence

Although gender violence statistics have reached disastrous levels, society has failed to justifiably question this occurrence of men perpetrated violence against women²⁶. The World Bank estimate that at the global level, the damage and cost to health arising from male violence against women aged 15-44 years is comparable to other risk factors that are already high on the world agenda, including HIV/AIDS²⁷. South African statistics indicate that at least 90% of women have been physically abused, 71% have been sexually abused, and one in every six women who died in Gauteng Province is killed by an intimate partner²⁸.

W.W Norton and Company (2009), 324.

²⁴ See Article 1 of the Protocol to the African Charter of Human and Peoples' Rights on the Rights of Women in Africa. (2003).

²⁵ Oxford University Press.www.OED.online.

²⁶ See note 12 above.

²⁷ See note 14 above.

²⁸ Masimanyane Women's Support Group Centre (1999). Violence Against Women: An Explanatory Study of the Impact of the Criminal Justice System on Victims and Survivors of Domestic Violence and Rape. South Africa. East London, para12.

In one of the few studies that focuses on rural areas, it has been found that an average of 80% of rural women experience domestic violence²⁹. Further, the study is of the view that some do not know anyone who has not been battered by a partner. Ironically, women in rural areas seem to understand domestic violence not as an abuse but as the way that their partners should treat them. The main concern is that domestic violence is part of a hidden narrative lurking behind women's words³⁰. This is because domestic violence is seen to be so pervasive in the lives of rural women that avoidance and tolerance are the primary strategies women use to deal with it³¹.

1.10.2 Domestic Violence Theories

There has been a continuing debate regarding which theory offers a better explanation of the causes of male violence against their female partners: - psychopathologists and public learn theories, family theories, sociological theories, and cultural evolutionary theories and feminists theories. Be it as the case may, this study draws its theoretical framework fundamentally from feminist theory because its ideology catches the essence of the research questions that the study seeks to address.

1.10.3 System Theory

The proponents of the system theory explain violence against intimate partners as a product of family system. Violence is maintained through roles, relations and feedback mechanism that regulate and stabilize the system. If violence is regulated, then it is more unlikely to reappear³². Thus behavior is affected by responses and feedback from others.

²⁹ Artz, Lillian (1999). "Shelter in the Northern Cape: Gender Violence Undermines Development." Agenda 42:55-59.

³⁰ See note 27 above.

³¹ Campell, Catherine (1992). 'Learning to kill? Masculinity, the Family Violence in Natal.' Journal of South African Studies 18:614-629.

³² Ambrosino R.; Heffman J.; Shuttleworth G (2005). Social Worker and Social Welfare an Introduction, 12.

1.10.4 Feminist Theory

The feminist theory will direct the study to a larger extent as its ideology catches the real meaning of the research questions and research problem. It is important to note that feminism is a social movement that has been subjected to many qualifications. The study will employ the Black feminist theory and the African feminist theory mainly because the two theories include factors such as race, ethnicity, sexuality and culture in understanding the dilemma of Black African women³³. The study further contends that although there are different branches of feminist theories, their central mandate is to emancipate women from oppression.

From feminist understanding is that society is structured in a particular order in which men maintain order and privileged position through domination of women³⁴. Therefore the power imbalances inherent in the patriarchal society create and perpetuate male violence against women³⁵.

This study has chosen to employ feminist theory to a larger extent over the other theories because the other theories do not meet the requirements of the research question and research problem. Researchers admit that theories that fail to acknowledge the presence of patriarchy in domestic violence issues are flawed and meaningless³⁶.

It is understood that studies have shown that in the past few decades, and largely through feminist activities, the issue of domestic violence has been raised to the public consciousness as a serious social problem. The findings at the international level have

³³ Danga T, (2009). Unpublished Thesis on Male Perspective of Gender Violence in South Africa. Fort Hare University. Alice, 28-29.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

been consistent with feminist propositions. Studies carried out in India, have shown that violence occurs within the traditional family system and within the framework of institutional patriarchy³⁷. Studies carried out in China acknowledged that the patriarchal family system and gender inequality within the family are largely responsible for the prevalence of wife abuse³⁸.

1.10.5 Dependence of Women on Men contribute to Domestic Violence

A number of previous studies on domestic violence against women establish a relationship between economic dependence and the incidents of violence³⁹. However, only a few attempts have been made so far to provide theoretical explanations or verifications of this relationship. There is causal relation between marital dependence and incidents of violence⁴⁰. There is a distinction between objective marital dependence and subjective marital dependence⁴¹. The definition of objective marital dependence closely represents dependence owing to economic reasons. Subjective dependence, on the other hand, refers to how tied to the marital relationship a woman perceives herself to be. In this analysis, married dependence reinforces the likelihood that women will tolerate physical abuse from their husbands⁴². As a result, it is clear that the more economically dependent women are, the more violence they face from their partners. It is also clear that the larger the discrepancy between the actual and desired household responsibility for the female partner, the higher the number of violent incidents.

³⁷ Ibid.

³⁸ Ibid.

³⁹ Dobash, R.E & Dobash, R.P (1978). Wives: The 'Appropriate' Victims of Marital Violence, *Victimology*, 416 - 420.

⁴⁰ Straus, A.L., & Corbin, J (1990). *Basics of Qualitative Research: Grounded Theory Procedures and Techniques*. Newbury Park. Sage Publications.

⁴¹ BHARATI BASU* & FELIX FAMOYE (2004). Family Violence Prévention Fund. Danger in Small Town: The Impact of Domestic Violence in Rural Communities. Available at.<<http://www.endabuse.org>>.

⁴² See the 38 above.

1.10.6 Interplay of Culture and Domestic Violence

A report released by the United Nations asserted that 47% of adult women report physical abuse by their male partner. The Government, the media, and women's rights organizations have fostered a growing awareness of the problem of violence against women. Much of the violence against women is related to disputes over dowries. Human rights groups and press reports indicate that incidents of vigilantism against women, sometimes led spearheaded by religious leaders, occur at times, particularly in rural areas. These include humiliating and painful punishments such as the whipping of women accused of moral offenses.

1.11 METHODOLOGY

1.11.1 Choice of Methodology

An overview of the methodology used in the study will be detailed in Chapter Three is presented in this section. Feminist academics and activists contended that the gender violence campaigns and services that exist today began with research on women's experience that has been previously neglected⁴³. As such, they hold that starting with peoples experience is a powerful tool which provides the rationale for feminist research.

Qualitative research method will be utilized in this research mainly because there is a need for in-depth understanding of a social phenomenon. A qualitative research seeks to gain first hand holistic understanding of a phenomenon, using flexible methods such as interviews and discussions⁴⁴. It is aims at gaining the subject's experience of a certain phenomenon.

A qualitative approach, unlike the quantitative approach which is bound by rules, has the advantage of being flexible; it allows the interviewer to respond to new theories and concepts raised by respondents. This research method is appropriate for this study

⁴³ See note 33 above.

⁴⁴ Mounton J. (1996). Understanding Social Research. Pretoria. Van Schaik, 85.

because the researcher intends to gain information of rural women victims of domestic violence from own accounts.

1.11.2 Sampling Procedure

A purposive sampling procedure will be used so as to identify rural women who have been known to be the victims of domestic violence. Feminists concur that the essence of research is to locate the 'knower' in the production of knowledge. Purposive sampling is based on the decision of the researcher. Participants will be found through social workers in Sisonke District Municipality who are willing and consent to participate in this research. Further focused groups consisting of cultural institutions, social workers and police officers who have experience on domestic violence will be used. The aim of sampling is to get an approximate representation of the possible target population⁴⁵.

1.11.3 Data Collection

The qualitative approach utilizes interviews with each participant in order to create a natural atmosphere which elicits more information. Thus semi-structured, in-depth interviews with the victims of domestic violence will be employed in this study. One on one interview will be used in order to ensure participants' privacy. Further, the method will enable the researcher to follow up particular interesting issues that will emerge during the interviews and the participants will be able to give a clear picture⁴⁶. The interviews will be conducted by arrangement or with informed consent; privacy and confidentiality will be assured, in a non-condemning atmosphere. Since the research will be confined to people who speak *isiZulu*, the researcher will conduct interviews in *isiZulu*.

The number of participants that will be interviewed will be between 20-45 years. This is because the majority of rural women that are victims of violence that live with partners fall within this age group.

⁴⁵ Ibid.

⁴⁶ See note 33 above. De Vos A., S., H. Strydom, Fouche C., B. & Deport C., S., L. (2002). Research at Grass Roots. Pretoria, South Africa. Van Schaik, 29.

1.11.4 Data Analysis

Data analysis is a process of bringing order, structure and meaning to the mass of collected data. Qualitative data analysis is a search for general statements about relationships amongst categories of data⁴⁷. Data that will be collected from both individuals and focused structured group interviews will be transcribed and translated in a way that will not violate the confidentiality and anonymity of the respondents through the use of pseudonyms.

1.12 LIMITATIONS OF THE STUDY

All investigations have their limitations. Due to the sensitivity of the topic, it was unlikely that participants might not be willing to participate in the research. The researcher, thus, informed potential participants that anonymity and privacy will be ensured. It was also unlikely that participants may not open up during the interviews for fear of the findings being used against them. To avoid this, participants were informed that pseudonyms will be used for identification purposes.

The time available to complete this research was another limiting factor. The researcher is a student and the resources available at her disposal were limited. Therefore, the area under study and the study sample was made too large. Data analysis was another challenge because of the researcher's inexperience but she overcame this defect by seeking advice and assistance from experienced researchers.

1.13 OUTLINE OF THE STUDY

The study will be presented in five chapters.

- Chapter One will provide a background to domestic violence, statement of the problem and research questions, the methodology used, and limitations of the study.

⁴⁷ See note 44 above.

- Chapter Two will provide an understanding of the dynamics of domestic violence amongst rural women by reviewing the relevant literature and theories on the subject.
- Chapter Three will provide the research methodology in detail.
- Chapter Four will analysis the data obtained from the study.
- Chapter Five will provide the conclusion and recommendations drawn from the study.

CHAPTER TWO

LITERATURE REVIEW ON DOMESTIC VIOLENCE AMONGST RURAL WOMEN

2.1 INTRODUCTION

This Chapter reviews the literature on the prevalence of domestic violence on rural women. It also reviews the trends and patterns of domestic violence against women in South Africa. The experiences and perceptions on domestic violence will be analyzed against various human rights instrument in South Africa and internationally. The patriarchy system and its impact on African women will also be highlighted.

2.2 PREVALENCE OF DOMESTIC VIOLENCE AGAINST RURAL WOMEN

Precise statistical information on African women in violent partner relationships and on sexual violence is poor. However, Statistics South Africa found that generally one in two rape survivors reported being raped to the police⁴⁸. The Medical Research Council (MRC) also found that one in nine women reported being raped which may indicate that rape is being under reported by women⁴⁹. On the basis of these studies, it can be stated that from fifty two (52) to seven hundred and thirty three (733) rapes have been reported by the South African Police Service (SAPS) in their 2003/04 statistics⁵⁰. National figures for intimate femicide, that is, males killing their intimate female partners, suggests that this has been the most deadly form of domestic violence that is prevalent in South Africa. The female population within the ages of fourteen (14) and older in 1999, died as

⁴⁸ Hirschowitz, R.; Worku, S.; & Orkin, M (2000). Quantitative Research Findings on Rape in South Africa. Pretoria: Statistics South Africa, 10.

⁴⁹ Jewkes, R.; & Abrahams, N (2002). "The Epidemiology of Rape and Sexual Coercion in South Africa: An overview." *Social Science and Medicine* ,55, 1231-1244.

⁵⁰ See note 41 above.

victims of femicide. This has been one of the highest prevalence rate reported in research worldwide⁵¹.

2.3 TRENDS OF DOMESTIC VIOLENCE AGAINST RURAL WOMEN

As it has been noted above, gender violence in South Africa clearly shows not only that most violence against women occurs in domestic settings, but that these acts of violence are perpetuated by culturally-based perceptions of male authority and power over women. Alarming, some studies also indicate that violence against women has increased over time, although this may be due partly to the increased availability of police statistics as a result of advocacy by women's rights organizations⁵².

In 1999, the Women's Affairs Department of Botswana undertook a national study on violence against women. Its aim was to measure the incidence of violence, assess its social and economic impact on individuals, communities and institutions, and make recommendations for action. In most cases, the violence had been perpetrated by women's partners or acquaintances. Alcohol abuse was perceived as a major cause of violence, but accounts of survivors of domestic violence assembled from the Court records clearly points out the tension of the male bread winner or female homemaker ideology⁵³. Similarly, Police statistics in South Africa indicate an increase in the frequency of rape⁵⁴.

⁵¹ Mathews, S.; Abrahams, N.; Martin, I.J.; Vetten; Jewkes, R (2004). " Every six Hours a women is killed by her intimate partner." A National Study of Female Homicide in South Africa. MRC Policy Brief No.5, June 2004.

⁵² Botswana Police Service (1999). Women's Affairs Department (1999). Mathoma (2001).Local newsletter 12.

⁵³ Women's Affairs Department (1999). Report on the Study on the Socio-Economic Implications of Violence Against Women in Botswana Gaborone: Government Printer. Metlhaetsile Women's Information Centre (1999). Women's Shelter Project (2001). Stories of Courage Told by Women Gaborone: Lentswe La Lesedi.

What are the key characteristics of abused women? Mongwe's study on violence against women pointed to two characteristics⁵⁵. First, although the experiences of abuse were similar among both married and cohabiting partners, the relief and remedies were different. Second, when female partners in a relationship were employed, this was a major source of tension, as their cash earning power was regarded as challenging their partners' or husbands' dominant authority.

Contrary to the view that violence against women occurs mainly among low-income families, it has been shown to be a phenomenon that cuts across social class, ethnic background and age⁵⁶. This suggests that research should be done on the context within which the provision of resources is regulated, and how women and men are positioned in this context.

One other major cause of violence cited in many studies is women's poverty and economic dependence on men. While the participation of women in employment has increased over time, the areas in which most women are employed are low-paying with poor working conditions and little or no bargaining power. Thus women often enter into marital or cohabiting relationships with the hope of attaining financial support and security. In marriage the expectations of support are vested in and reinforced by the formalization and legal recognition of the union, while for cohabiting partners the

⁵⁴ South African Police Service (2000). Report of a Study on Rape in South Africa Pretoria: Government Gazette. Magnum Magazine. June 2010.
<http://www.soga.org.za/Bulletin.htm>.

⁵⁵ Mongwe, A. (1988). 'A Go ItewaKeMonnaWaGagoKeBotshelo? A Preliminary Investigation into Battered Women in Botswana' MPhil Dissertation, University of Cape Town, 151.

⁵⁶ Women Affairs Department (1999). Report on the Study on the Socio-Economic Implications of Violence Against Women in Botswana Gaborone: Government Printer, 69.

financial support is premised on the provision of basic needs for women and their children⁵⁷. Many studies on violence against women focus on identifying the signs of violence which support women's victim status⁵⁸.

However, the dynamics of economic dependence require one to establish the differences between cultural ideals and actual practice. A study by Women and Law in Southern Africa (WLSA) contributed to this debate by finding that perceptions of economic dependence on the part of women were not objectively true in many cases⁵⁹. Instead, women often support their families with little or no help from their husbands, cohabiting partners or fathers of children. The study on low-income households revealed the realities of perceived and actual allocation of roles – which seemed to be surrounded in women's perceptions of themselves and the world around them⁶⁰.

The WLSA study observed that while many women support their families, internalized patriarchal values prevent them from recognizing themselves as the main bread winners. The increased participation of women in wage work is perceived as undermining men's roles as bread winners and principle decision-makers. Women's earning power is regarded as fostering female independence and autonomy, thereby reducing their dependence on men and challenging male authority⁶¹.

⁵⁷ Mookodi (1999). 'We are struggling': Gender Dynamics of Survival in Low Income Households in Botswana 'PHD Dissertation, University of Toronto.

⁵⁸ McCarroll et al., 2003 J.E. McCarroll, R.J. Ursano, J.H. Newby, X. Liu, C.S. Fullerton and A.E. Norwood *et al.*, Domestic violence and deployment in US Army Soldiers, *Journal of Nervous and Mental Disease* 191 (1) (2003), 3–9. Last Accessed September, 2010.

⁵⁹ Women and law in Southern Africa (1997). Botswana Families and Women's Rights in Changing Environment Gaborone: Lentswe La Lesedi.

⁶⁰ See note 57 above.

⁶¹ Douglas, Cox and Webster,9 K.S. Douglas, D.N. Cox and C.D. Webster,

Evidence of survivors of domestic violence illustrates a continuous process of competing and negotiating with domestic male authority, often with terrible effects. The general testimony of a housemate who ended her relationship is expressive: the woman was threatened by her partner after a long abusive relationship which resulted into a separation between the two⁶².

Cultural double standards that promote promiscuity among men but condemn infidelity among women also promote violence against women. These double standards are common among unmarried couples but are particularly strong among married couples, as the payment of bride wealth is regarded as a justification for male control and violence⁶³.

2.4 FACTORS THAT INHIBIT MEASURES AGAINST DOMESTIC VIOLENCE

CEDAW recognizes the influence of culture and tradition in restricting women's enjoyment of their fundamental human rights. Cultural influences take the form of stereotypes, customs and norms which give rise to a multitude of legal, political and economic constraints on the advancement of women. Noting this interrelationship, the preamble to CEDAW stresses that “a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality of men and women’s”⁶⁴. States parties are therefore obliged to take appropriate measures to modify the social and cultural patterns of individual conduct in order to eliminate “prejudices and customary and all other practices which are based on the idea of the

Violence risk assessment: Science and practice, Legal and Criminological Psychology 4(Part 2) (1999), 149–184.

⁶² Metlhaetsile Women’s Information Centre (1999). Domestic Violence: It’s a Crime! Gaborone: Lentswe La Lasedi.

⁶³ See note 60 above.

⁶⁴ See, Articles 9, 15 and 16.

inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.”⁶⁵

The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa affirms and reinforces the language of CEDAW. It requires state parties to take all appropriate steps to eliminate social and cultural patterns and practices that are discriminatory to women⁶⁶. Paragraph 38 of the Vienna Declaration and Programme of Action (VDPA) also stresses the importance of working towards the eradication of any conflicts which may arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious activism⁶⁷. Equally, the Beijing Declaration and the Platform for Action (BDPA) provides that any harmful aspect of certain traditional, customary or modern practices that violates the rights of women should be prohibited and eliminated⁶⁸.

Many survivors of domestic violence do not report incidences of such abuse. They fear losing economic support, or simply losing face. They also mistrust their extended families, the customary courts and the police, believing that these institutions will side

⁶⁵ Article 5. Another article worth mentioning is article 2(f) which provides that “States Parties undertake to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.”

⁶⁶ Article 5 of the Beijing Declaration and the Platform for Action, Fourth World Conference on Women, Beijing, China, September 4-15 1995, U.N Doc. A/CONF. 177/20 (1996) available at <<http://www.un.org/womenwatch/daw/beijing/platform/>> (Accessed on 20 November 2010).

⁶⁷ Vienna Declaration and Programme of Action, World Conference on Human Rights, Vienna, Austria, June 14 -25, 1993, U.N. Doc. A/CONF. 157/23 (1993) paragraph 24.

⁶⁸ See note 65 above.

with their partners. Without doubt it is believed that domestic violence is often not even treated as crime⁶⁹. The findings of the Task Force on Police Response to Cases of Domestic Violence confirmed that domestic violence is not a legal term and, as such, it cannot be expected to find the offence defined the statutes⁷⁰. This also confirms a widely held belief that domestic violence is treated under private law as a family matter. Therefore the majority of violent acts which occur within the private realm of the family often go unreported and unchallenged.

The process of dispute resolution is based on the belief that disputants are members of families and that families co-exist in wider communities. Often the government put emphasis on the need to “[maintain] peace and stability between families and within the community by reaching a decision that satisfies the complainant without compromising the integrity of the accused”⁷¹. Moreover, women often prefer to report their domestic disputes to other family members, even when they know they will not receive any relief. The preference for an amicable family resolution of abuse is due to the accessibility of family members, as well as the cultural emphasis on negotiation, reconciliation and co-existence⁷². However, studies on violence against women point out to the reluctance of police to address cases of violence even when they are reported to them⁷³.

The Task Force on Police Response to Cases of Domestic Violence found out that the inaction of the police stems partly from the absence of legislation specifically addressing domestic violence. The state’s laws are inadequate in the face of contemporary problems between men and women which engender violent conflict. Thus women simply are not afforded sufficient protection from domestic violence by the existing laws,

⁶⁹ See note 60 above.

⁷⁰ See note 54 above.

⁷¹ See note 67 above.

⁷² Ibid.

⁷³ Ibid.

as cases of domestic violence are treated under the general law of assault rather than under specific laws on violence against women⁷⁴. Hence in South Africa this led to the enactment of the Domestic Violence Act⁷⁵.

2.5 DEPENDENCE OF WOMEN ON MEN

It is well known that domestic violence is widespread in poor neighborhoods. Indeed, it is often firmly believed that poverty gives rise to many evils, one of them being violence between intimate partners. On the other hand, violence between intimate partners has also been present between members of low-income families. Consequently, one could argue that domestic violence is by no means triggered off or sustained by the families' appurtenance to the lowest socio-economic categories. Therefore, one could estimate that domestic violence between partners is the results of micro-levels rather than macro-level factors⁷⁶.

This results in an assumption that socio-economic status is an unbelievable reason for explaining the prevalence of spouse abuse. It is further stated that the occurrence of violence between partners cannot be distinguished "by education, employment or medical insurance status of a women"⁷⁷. Since domestic violence still remains evidenced irrespective of a socio economic status, one could also dispute that factors such as isolation of female partners and feeling of possessions experienced by male

⁷⁴ See note 70 above.

⁷⁵ Domestic Violence Act (1998).South Africa. Government Gazette.

⁷⁶ McCarroll et al., 2003 J.E. McCarroll, R.J. Ursano, J.H. Newby, X. Liu, C.S. Fullerton and A.E. Norwood *et al.*, Domestic violence and deployment in US Army Soldiers, *Journal of Nervous and Mental Disease* 191 (1) (2003), 3–9.

⁷⁷ Bauer D., Rodriguez H & Perez-Stable (2000). Intervention for Men Who Batter. An Ecological approach. International Publications and Professional Publishers Newbury Park London New Delhi. Sage Publications, 97.

partners seem to be more convincing argument to explain this phenomenon in more rich families.

The perpetrators of violence may use economic power to control and victimize women with whom they are involved, both during and after the relationship. Some batterers may ensure financial dependence by denying the abused women direct access to money or by driving them to work outside the home⁷⁸. Some may often control ownership of the homestead and transport⁷⁹. Consequently, women may find it difficult to acquire financial independence and resources that can enable women or their children to survive on their own. Male partners may even go to the extent of exposing female partners' financial status by harassing them at work until the latter lose their employment⁸⁰.

Furthermore, some abusers may cause women to be evicted from their houses by causing damage to the property and behaving violently. Without access to housing and financial resources, many abused women are forced either to live in unsafe and inadequate abusive environment or to return to the abusers for shelter. The general shortage or access to public housing may place the abused in a compromising situation⁸¹. This may also result in women not being able to find and maintain

⁷⁸ Campbell J. C (2002). 'Health Consequences of Intimate Partner Violence' *The Lancet* Vol 330, 1331–1334.

⁷⁹ Lloyd, S., Taluc, N. (1999). "The Effect on Male Violence of Female Empowerment". *Violence Against Women* 5, 370-392.

⁸⁰ Zastrows, C. (2004). *Introduction to Social Work and Social Welfare: Empowering People* 8th Edition. USA: Brooks/Coles, 2, 275-278.

⁸¹ Caumo, A. (2000). Preface. In J.Twoboy, W. Pitcoff., C Dolbere, S. Crowley (Eds). *Out of Reach: The Growing Gap Between Housing Costs and Income of Poor People in the United States*. Washington, DC: National Low Income Housing Coalison 1, 110-115.

permanent and affordable housing. The shortage of transitional housing as an alternative to shelter or accommodation for abused African women in general and rural women in particular, compromises their safety⁸².

2.6 INTERPLAY OF CULTURE AND DOMESTIC VIOLENCE IN RURAL AREAS

Different cultures and social norms support different types of domestic violence. For instance, traditional beliefs view men as having a right to control or discipline women through physical means makes women vulnerable to violence by intimate partners⁸³. Equally, cultural acceptance of violence impacts significantly on the health, disability and mortality of the population. The *Zulu* and *Xhosa* cultures have a saying that 'a woman without a husband, is like a ring without a stone'. This shows the weight placed on *Zulu* and *Xhosa* women to marry and remain married, no matter how difficult the marriage may be. This helps to explain the reason why women continue to live with violent husbands.

Cultural double standards that promote promiscuity among men but condemn infidelity among women also promote violence against women. These double standards are among unmarried couples but are particularly strong among married couples, as the payment of bride wealth is regarded as a justification for male control and violence⁸⁴. Across the Sisonke District Municipality, there is a strong evidence of entrenched patterns of gender based violence. In many instances, abuse and violence occurs within

⁸² Melbin, A., Sullivan, C.M., & Cain, D. (2003). "Transitional Support Housing Programs: Battered Women's Perspective and Recommendation". *Affili.* Volume 18 No 4, winter (2003), 444-447.

⁸³ Mitra, A., Singh, P. (2007). Human Capital Attainment and Gender Empowerment: The Kerala Paradox. *Social Science Quarterly*. 88: 1227-1242. Llika AL. (2005). Women's Perception of Partner Violence in a Rural Global Community. *Africa Journal of Reproductive Health*, 9:77-78.

⁸⁴ Ibid.

domestic relationships between men and women. At the root of this domination and control of women are traditional patriarchal attitudes based on economically empowered men and increasingly dependent women. In many cases, violence is precipitated by the use of alcohol and drugs. In informal settlements, domestic violence appears to be intensified by overcrowded living conditions. These conditions also expose children to ongoing rape and abuse.

The other form of gender-based violence is the frequent instances of rape, murder and assault on women and the elderly. These opportunistic attacks are precipitated by violent criminality directed towards vulnerable groups⁸⁵. Elderly women who have received pensions and social grants, and women whose partners are absent, are particularly susceptible to these attacks. Women's safety is compromised in both urban and rural contexts, and it seems to be most at risk in recently established informal settlements where social relations are dynamics and contested⁸⁶.

The Sisonke District Municipality opened a Center to take care of rural women who are victims of domestic violence. The Center serves to empower women in such a way that they are able to become economically independent and be re-integrated into society where they will live in peace and dignity and in so doing, break the cycle of abuse. The Center is not limited only to those abuse but also assist with counseling, life skills and job creation skills. The Centre also assisted women with court preparations, obtaining interdicts, preparing resumes and providing job-interview techniques⁸⁷.

⁸⁵ McIntsh Xaba & Associates (2005). Role of Women: Urban-Rural Linkages' and Household Live hoods. Provincial Planning and Development Commission, 307-405.

⁸⁶ Ibid.

⁸⁷ Ibid.

It is assumed that living in rural areas can be wonderful. The streets in small towns are not crowded, the atmosphere is friendly, the air is clear, the nights are calm and peaceful, farmyards are spacious and neighbors are at a distance. While it is true that rural areas can create a sense of a safe and peaceful environment and satisfaction for some people, for rural women abused by their partners it turn into a lonely, frightening and unsafe environment to live in⁸⁸. Rural women face challenges unknown to their urban counterparts⁸⁹. In rural areas, geographical isolation and distance, lack of services, confidentiality and police service response are of special concern.

2.7 WOMEN'S HUMAN RIGHTS INITIATIVES ON VIOLENCE AGAINST WOMEN

According to basic International Human Rights, the community should treat women's human rights as gender impartial, but this has not been the case. However, it has now been widely accepted that gender specific abuse constitutes a violation of the rights and fundamental freedoms of women which grossly impair and negate their enjoyment of those rights and freedoms⁹⁰. Internationally accepted norms and laws now require that governments should prevent, investigate and prosecute violations of 'bodily integrity' and abuse of women.

When government fails to prohibit such abuse or regularly fails to respond to acts of violence against women, it sends cues that may be interpreted that such attacks are justified⁹¹. That result into a violation of Article 26 of the International Covenant on Civil

⁸⁸ Ibid.

⁸⁹ Barnet Miller-Perrin. (2005). Family Violence Across the Lifespan. An Introduction (2nd Edition). Sage Publications International Education and Professional Publisher Thousand Oaks. London. New Delhi, p.209.

⁹⁰ Green, D. (1999). Gender Violence in Africa: African Women's Response. London: MacMillan Press Ltd, 76.

⁹¹ Human Rights Watch/ Africa (1995). " Violence Against Women in South Africa :

and Political Rights⁹². For that reason, states that fail to provide the necessary protection to their female citizens' rights to physical integrity are considered to be discriminatory on the basis of gender.

These rights and principles are also enshrined in a number of international instruments such as the Universal Declaration of Human Rights (1948); the International Covenant on Economic, Social, and Cultural Rights (1966); the Convention on the Rights of the Child (1989); the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (1984); and the Convention on the Elimination of All Forms of Discrimination against Women (1979)⁹³. The United Nation Commission on the Status of Women was also established by the General Assembly and simultaneously with the United Nation Human Rights Commission⁹⁴. Its main function was to monitor and encourage the implementation of international law on women's rights.

In January 1993, the South African government signed CEDAW and embraced a number of conventions on issues of women⁹⁵. These have assisted women in South Africa to be more informed and empowered about discriminatory and abusive practices

State Response to Domestic Violence and Rape “. New York/ Washington: Human Rights Watch.

⁹² International Covenant on Civil and political Rights (ICCPR) (1966).

⁹³ Universal Declaration of Human Rights (1948).; The International Covenant on Economic, Social and Cultural Rights (1966).; The Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984).; The Convention on the Eliminations of All Forms of discrimination Against Women (1979).

⁹⁴ United Nations Commission on the Statutes of Women (1946); United Nations Commission on Human Rights (1946) now the Human Rights Council.

⁹⁵ Linnegar, J.; McGillivray, K (1998). Women and the Law in South Africa: Empowerment through Enlightenment South Africa. Juta and Co Ltd. (p. 55)

that are directed towards women⁹⁶. In addition, the South African Constitution also emphasizes the rights of women and their right to live free of domestic violence, including the right to access justice⁹⁷.

2.8 CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

CEDAW is one of the international instruments that specifically recognizes women's human rights and deals with issues that pertain to gender violence. It is inclusive of factors that affect women such as traditional attitudes, equality in employment and access to health services⁹⁸. Though there have been criticisms and objections to its inclusions, the Committee established under CEDAW has put forward General Recommendation No.19 which directs that in reviewing their laws and policies, state parties should take cognizance of the recommendations raised concerning gender-based violence. The Vienna Declaration and Programme of Action also recognize that the human rights of women are absolute, essential, and indivisible part of universal human rights⁹⁹. The Declaration on the Elimination of Violence against Women is not a treaty but a set of common international standards and is a non-binding resolution of the General Assembly of the United Nations¹⁰⁰. It recognizes the urgent need for the universal application of women's rights, especially with regard to equality, liberty, integrity and dignity.

⁹⁶ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979).

⁹⁷ See note 94 above.

⁹⁸ Ibid.

⁹⁹ Vienna Declaration and Programme of Action, Fourth World Conference on Women, Beijing, China, September 4-15 1995, U.N Doc. A/CONF.177/20 (1996) available at <<http://www.un.org/womenwatch/daw/beijing/platform/>> (accessed on 20 November 2010) (1993).

¹⁰⁰ See note 96 above.

In 1995, CEDAW became the first of these international conventions to be ratified by the South Africa¹⁰¹. CEDAW stresses and requires that States that have signed this Convention embody the principle of equality of men and women in their national constitution and other laws, in order to ensure the practical realization of the principle of equality¹⁰². CEDAW states that government themselves must not discriminate against women and must ensure that public authorities or institutions, private persons, organizations or businesses do not do so either¹⁰³.

All existing laws, regulations, customs and practices which constitute discrimination against women should be repealed. Further, CEDAW emphasizes that the States must ensure that women have equal opportunities to develop and advance fully in any field, be it political, social, economic or cultural¹⁰⁴. It further requires legislation to be enacted in order to ensure that women exercise their human rights and fundamental freedoms on the basis of equality with men. It provides for the use of affirmative action that provides for equal job opportunities¹⁰⁵. The Convention also requires that programme must be developed that teach societies that child bearing and child rearing are fundamental social functions that are significant to the development of a healthy, balanced society and that child upbringing should be a shared responsibility¹⁰⁶.

¹⁰¹ Linnegar, J.; McGillivray, K (1998). Women and the Law in South Africa: Empowerment through Enlightenment. South Africa .Juta & Co Ltd, 345-350.

¹⁰² Article 2 of the Convention on the Elimination of Violence against Women (1979).

¹⁰³ Article 1.

¹⁰⁴ Article 3.

¹⁰⁵ Article 4.

¹⁰⁶ McQuoid-Mason, D.; Pillemer, B.; Friedman, C.; & Dada, M (2002). Crimes Against Women and Children: A Medico- legal Guide.UK. Dundee University and the Independent Medico-Legal Unit (MLU).

CEDAW further requires that men and women should have the right to equal job opportunities, equal pay and equal benefits for work of equal value¹⁰⁷. It provides that women should have access to health care services even during pregnancy, including family planning¹⁰⁸. The Convention also addresses the economic needs and social benefits of women while it expresses special concern for rural women¹⁰⁹. This means that special attention must be paid to the problems of rural women. In order to ensure that women will be equal with men before the law, both must be treated as such during court trial¹¹⁰. Women must share the same rights as men to sign contracts and administer property. Any contract or agreement that tries to restrict the legal capacity of women should not be enforced. Under CEDAW, State parties have the obligation to eliminate discrimination against women in all matters that relate to marriage and family relations¹¹¹. Therefore, women and men, irrespective of their marital status, must have the same rights as parents; they must have equal access to information about family planning and to methods of contraception.

2.9 THE BEIJING DECLARATION AND PLATFORM OF ACTION

The Beijing Declaration was launched at the Fourth World Conference on Women held in Beijing, China¹¹². The Declaration focused on the problem of violence against women and urged governments to embrace the goals as expressed in CEDAW. This was followed by an anti-violence campaign and governments were reminded to uphold their promises to stop violence against women¹¹³. During the Beijing Conference, over a million signatures were presented to the UN High Commissioner for Human Rights. The objective was to seek the protection of women and girls from domestic violence and

¹⁰⁷ Article 11.

¹⁰⁸ Article 12.

¹⁰⁹ Article 13 and 14.

¹¹⁰ Article 15.

¹¹¹ Article 16.

¹¹² The Beijing Declaration and Platform of Action (1995).

¹¹³ See note 110 above.

from all forms of sex discrimination¹¹⁴. It was also emphasized that governments must see to it that the Platform of Action is implemented.

The South African government undertook to adopt all parts of the Platform of Action and government departments also undertook to ensure that all policies and actions are in agreement with the BPA and to take steps to ensure women's empowerment. A Special Rapporteur on Violence against Women was appointed, whose mandate included investigating crimes associated with gender violence and also to urge to states not to use traditions or customs as an excuse for abdicating their responsibilities to prevent violence against women¹¹⁵.

2.10 WOMEN AND THE SOUTH AFRICAN CONSTITUTION

The Constitution of the Republic of South Africa of 1996 is the supreme law of the land and all law and conduct that is contrary to is invalid¹¹⁶. The Constitution of the Republic of South Africa came into force in February 1997. Chapter 2 of the Constitution contains a Bill of Rights which is the cornerstone and basis of democracy and enshrines the rights of all citizens. The 'equality clause' guarantees the right to equality before the law and equal protection of the law¹¹⁷. This provides every individual the right of access to a court of law. In terms of the Constitution, this also includes the duty of the State to grant protection to those groups that are vulnerable, such as women because equality includes the full and equal enjoyment of all rights and freedoms¹¹⁸.

¹¹⁴ See note 96 above.

¹¹⁵ Vetten, L (2007). Mapping the Use of Guns in Violence against Women. Findings From Three Studies. African Security Review, 15.2. Institutes For Security Studies.

¹¹⁶ The Preamble of the Constitution of the Republic of South Africa (1996).

¹¹⁷ Section 9 of the Constitution of the Republic of South Africa (1996).

¹¹⁸ Section 9 (2) of the Constitution of the Republic of South Africa (1996).

In the case of *Omar v The Government of the Republic of South Africa and Others*, the Durban Magistrates' Court issued a protection order under the Domestic violence Act 116 of 1998 prohibiting Mr. Omar from abusing Ms. Joosab and their children. In terms of Section 8(1) of the Act, the court annexed to its order a suspended warrant of arrest. When Mr. Omar allegedly breached the terms of the order, the warrant was executed, but was subsequently suspended.

Mr. Omar unsuccessfully sought leave to approach the court directly. Thereafter he applied to the High Court for an order declaring Section 8 of the Act unconstitutional. His application was dismissed based on the reasoning that the Act serves an important social and legal purpose in addressing the scourge of domestic violence and South Africa's obligations under the Constitution and international law to combat domestic violence. The purpose of Section 8 is to provide a mechanism to ensure compliance with protection orders and to protect complaints against further domestic violence¹¹⁹.

The Constitution promotes the achievement of equality, and in order to achieve this, required the government to adopt legislative and other measures designed to protect and advance persons, or categories of persons, disadvantaged by unfair discrimination¹²⁰.

In the case of *State v Baloyi*, the court held that domestic violence was hidden and repetitive in character and had an immeasurable ripple effect in our society. In particular, it transgressed a constitutionally guaranteed right to be free from violence from either public or private sources. Because it was gender-specific, it reflected and re-enforced patriarchal domination, challenged the non-sexist foundations of the

¹¹⁹ *Omar v The Government of the Republic of South Africa and Others* (CCT 47/04) [2005] ZACC 17; 2006 (2) BCLR 253 (CC); 2006 (2) SA 289 (CC); 2011 (7) BCLR 651 (CC); 446 (CC) (7 November 2005).

¹²⁰ See note 118 above.

Constitution and violated the right to equality. This is because South Africa was obliged by international law to take steps to combat domestic violence¹²¹.

South Africa has the above mentioned legal remedies that deal with cases of women in violent partner relationships. South Africa has also identified women abuse as a crime that the criminal justice system has to deal with. However, it has remained a 'private matter' or dealt with behind closed doors. Nevertheless, due to the lobby of women's groups and social and legal activists, women abuse has received growing attention which is addressed by legislation and international human rights instruments.

2.11 CONCLUSION

Although the government of South Africa has articulated a commitment to eradicate gender based violence and inequality between men and women, it has not done enough in rural areas. The Domestic Violence Act introduced measures that seek to ensure that the relevant organs of state give the full effect to the provisions of the Act. This may be an indicative factor which demonstrates that the state is committed to the eradication of domestic violence.

However, this Chapter managed to share current controversies and factors of domestic violence against rural women. Further, it highlighted that the implementation of legislation, such as the Domestic Violence Act, is not equally felt throughout South Africa, especially among abused women in rural areas. The following Chapter will discuss the research methodology and research design that will be used in this study. The sampling procedures and data analysis will also be discussed.

¹²¹ S v Baloyi & Others (CCT29/99) [1999] ZACC 19; 2000 (1) BCLR 86; 2000 (2) SA 425 (CC); 2011 (7) BCLR 651 (CC); BCLR 446(CC) (3 December 1999).

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 INTRODUCTION

The proceeding Chapter primarily focused on providing background information on the study. This provided a broad outline from which explanations of domestic violence against rural women can be viewed. This was done by reviewing related literature on previous studies and current debates on domestic violence against rural women. This Chapter outlines the research questions and the methodology that was used in this study. It also presents the ethical aspects that were considered in this study. Lastly, it discusses the data analysis process and the limitations of the study.

3.2 CONSTRUCTIVIST PARADIGM

The constructive paradigm developed out of the philosophy of Edmund Husserl's phenomenology and Wilhelm Dilthey's and other German philosophers' study of interpretive understanding called hermeneutics¹²². Constructivist approaches to research have the intention of understanding "the world of human experience" and that reality is socially constructed¹²³. The constructivist researcher tends to rely upon the participants' views of the situation being studied and recognizes the impact of the research of their background and experiences¹²⁴. Constructivists do not generally begin

¹²² Mesatywa, N.J (1999). "A Qualitative Exploration of the Experience of Black Women in Violent Relationship". Unpublished Masters Theses. Grahams town : Rhodes University, 63.

¹²³ Cohen, L& Manion, L (1994). Research Methods in Education. New York: Routledge Falmer, 12.

¹²⁴ Creswell, J.W (2003). Research Design. Qualitative, Quantitative and Mixed Methods Approach. London: Sage, 11.

with a theory but rather they “generate or inductively develop a theory or a pattern of meanings” through the research process¹²⁵.

The constructive research is most likely to rely on qualitative method. By using interpretivism our knowledge interests would not be technical, that is, inform interventions through our research,” but develop a deeper understanding of a situation, person, community, or the case”¹²⁶. It is assumed that if people understand their situation better, they would be able to take practical actions within it¹²⁷. However, if this paradigm could be used it is hoped that it could create knowledge which would assist the policy makers and other stakeholders to understand better how domestic violence is prevalent amongst rural women. However this paradigm has its limitations and criticisms.

Most of the criticism against interpretivist research paradigm is directed toward the subjectivity and the failure of the approach to generalize its findings beyond the situation¹²⁸. It is argued that human bias can never be misjudged. Further, qualitative research methodology is criticized for being generalized, biased, irrelevant, ungeneralisable and personal, subjective and short seeing¹²⁹. The subjective involvement of the researcher makes him/her able to share experience with his/her research participants.

¹²⁵ Creswell, J.W., et al (2007). First Steps in Research. Pretoria: Van Schaik Publishers, 20.

¹²⁶ Rensburg, C (2001). Social Research Methods: Qualitative and Quantitative Approaches, 5th Ed. Boston: Allyn & Bacon, 16.

¹²⁷ Ibid.

¹²⁸ Nieuwenhuis, F (2005) An Old Rag’: South African research on GBV and debates on ‘cultures’ and ‘rights’. Agenda Special Focus, 59-60.

¹²⁹ Cohen et al (2000). Research Methodology in Education. New York: Routledge Falmer, 29.

Another limitation leveled against the interpretivist research is that it can promote a dependent perspective¹³⁰. It is further argued that interpretivist methodology, with its emphases on rich contextual detail and close attention to individual life experience and meaning, complements quantitative data¹³¹. It also avoids values and perspectives which may arise from post structural, critical and positivist methodologies.

3.3 QUALITATIVE RESEACH METHODOLOGY

This type of research is based on the constructive paradigm in social knowledge. Its main thrust is the interpretation of the world that is taken for granted; including objective “facts” that quantitative research claims to produce.¹³² The researcher has chosen to use qualitative research because she wished to examine the protection and prevention of domestic violence against rural women. Here the researcher, who customarily will also be a participant, will be the main instrument of data collection. Qualitative research will be appropriate since the researcher’s primary aim is to define rather than generalize on whether community members have an effect on the prevalence of domestic violence against rural women.

In this regard, it is vital that a methodological perspective be adopted to allow the findings to develop “from the data itself rather than from preconceived, rigidly structured, and highly quantified techniques that pigeonhole the empirical social world into operational definitions that the researcher has constructed¹³³”.

¹³⁰ See note 126 above.

¹³¹ Ibid.

¹³² Filstead W (1970). *Qualitative Methodology: First Hand Involvement in the Social World*. Chicago: Markham, 107.

¹³³ Ibid.

3.4 CASE STUDY

A case study was used to enable the researcher to get into in-depth and detailed understanding of the tendencies that emerge from the survey stage. This also afforded the researcher an appropriate opportunity to better understand the dynamics of the prevalence of domestic violence on rural women. The choice of the strategy was influenced by the nature of the problem. A case study is a “strategy for doing research which involves an empirical investigation of a particular contemporary phenomenon within its real life context¹³⁴. A case study is an intensive picture and analysis of a social unit such as individuals, groups, institutions, or communities.

3.5 PARAMETERS OF THE STUDY

The research was conducted specifically at *Umzimkhulu*, in Sisonke District Municipality. However, the study focused on rural areas of *UMzimkhulu* in order to get the factors that conduce towards the prevalence of domestic violence against women.

3.6 POPULATION AND SAMPLING PROCEDURE

Population is a theoretically specified aggregation of the study elements and it is from this that the sample is actually selected¹³⁵. It was also difficult for the researcher to study all the people from which the researcher wanted to draw inferences. The researcher would find it also difficult to send questionnaires or interview to every member of the studied population, hence a research sample was selected. However, it is assumed that there is no clear-cut answer for the correct sample size; it depends on the population of the study and the nature of the population under scrutiny. A large

¹³⁴ Robinson, C (2002). *Real World Research: A Research For Social Scientists and Practitioner-Research*. (2nd Edition), Australia: Blackwell Publishing, 16, 432-433.

¹³⁵ Babbie, E., & Mouton, J., Vorster, P & Prozesky, B (2001). *The practice of Social Research*. South African Edition. Cape Town: Oxford University Press Southern Africa, 173.

sample might become unwieldy and conversely, too small a sample might be unrepresentative¹³⁶.

On the other hand, a well-designed sampling plan always contributes to both the reliability and validity of the research findings. This view is confirmed by a theory which states that if in the process of sampling care is done in accordance with the standard of sampling plans; it should be possible for another researcher to re-replicate the findings for reliability¹³⁷.

3.7 DATA COLLECTION PROCEDURE AND INSTRUMENTS

A letter of introduction was sought from the University of Fort Hare. Permission was obtained from all relevant departments where the study was to be conducted. The questionnaires were distributed to the participants in person to avoid time consumption. The researcher explained verbally and appealed to the participants to ensure that the questionnaires are completed. A letter explaining the purpose of the study and aspects of confidentiality and anonymity of respondents was attached to the questionnaires.

Data is often collected using questionnaires, observations, documents, interviews and past records¹³⁸. However, in this study data was collected through the use of questionnaires, interviews, observations and documents analysis.

¹³⁶ Cohen et al (2006). Social Research: A Simple Guide. Boston: Allyn & Bacon, 177.

¹³⁷ Ibid.

¹³⁸ Leedy, D.P. & Ormrod, E.J (2005). Practical Research Planning and Design. 8th Edition. New Jersey: Pearson Prentice Hall, 249.

3.8 THE QUESTIONNAIRES

A questionnaire is a “document containing questions designed to seek information that is appropriate for analysis”¹³⁹. The questionnaires were used to determine the factors that contribute to the prevalence of domestic violence against rural women. The questionnaires allowed for anonymity and privacy, which may encourage more open responses on sensitive issues. The structured questionnaires format is easy to complete and it does not demand too much of the respondents’ time¹⁴⁰. The questionnaires have an advantage of being administered to many respondents in a large geographical area, making it possible to save time and finance and generally, they provide a higher percentage of usable responses¹⁴¹.

3.9 INTERVIEWS

An interview is a face to face ‘confrontation’ between the interviewer and the respondent¹⁴². In an interview, the researcher was able to seek for redefinition if responses on the prevalence of domestic violence against rural women appeared to be ambiguous. It is recommended that interviews be used to follow up unexpected results¹⁴³. However, although the interview afforded the researcher personal contact, the technique had a small coverage because of financial and time constraints, especially in Sisonke District where relevant departments are located far apart. For

¹³⁹ Tuckman, A (1997). *The Handbook of Research of Qualitative Research* Longman.

London: Sage Publications, 349.

¹⁴⁰ Best, W.J & Khan .J (1993). *Research in Education* 7th Edition, 229-230.

¹⁴¹ Best, W. J& Khan .J (1933). *Research in Education* 7th Edition, 229). Boston: Allyn and Bacon. Cohen L., Manion L & Morrison, K (2000). *Research Methods in Education*. New York: Routledge Falmer, 169-171.

¹⁴² Leedy, P.D (1980). *Practical research: Planning and Design*. New York: Macmillan, 105.

¹⁴³ See note 136 above.

example, all the relevant departments are located in town which is not accessible to everyone because rural areas are far apart.

3.10 OBSERVATIONS

Observation is the systematic process of recording the behavioral patterns of participants, objects and occurrences without necessarily questioning or communicating with respondents¹⁴⁴. As a qualitative data gathering techniques, observation is used to enable the researcher to gain a deeper insight and understanding of the phenomenon being observed¹⁴⁵. The advantage of observation was that the behavior was recorded as it occurred. Being an outsider, the observer can see phenomena about the situation which those people involved in it may take for granted¹⁴⁶.

3.11 DOCUMENT ANALYSIS

This study used document analysis as an instrument for collecting data. Information was sought from the social workers and Police Station records of reported incidents of domestic violence. The researcher considered both and analyzed primary and secondary sources of documents. A researcher needs to be careful when using document analysis. The researcher approached a document with a critical mind in terms of both the meaning that the author intended to produce and the perceived meaning as constructed by the audience in differing social situations.

3.12 VALIDITY AND RELIABILITY

3.12.1 Validity

Validity and reliability are multi-faceted; there are many different types of validity and different types of reliability. Validity is an important component of research which

¹⁴⁴ See note 128 above.

¹⁴⁵ Ibid.

¹⁴⁶ See note 135 above.

renders the research to be valid or invalid and, as such, if the results are invalid the purpose of the research becomes useless. In this study, the researcher considered the issues of validity as she choose to use questionnaires, observations, interviews and document analysis as instruments for data collection. This method brought about respondents and documented different experience on the prevalence of domestic violence against rural women.

3.12.2 Reliability

Reliability is essentially a synonym for consistency and reliability over time, over instruments and over groups of respondents¹⁴⁷. A reliable instrument for this research will produce a similar data from similar respondent's overtime if the same methods and instruments were to be used. For a research to be reliable it must be evident that if it were to be carried out on similar groups of respondents in a similar context, then similar results will be found. The researcher was fluent in the local language which was spoken by the respondents and therefore it was used in the interviews.

3.13 ETHICAL CONSIDERATION

Ethics is an expression of our values and a guide to achieving them and is central to research¹⁴⁸. Ethical consideration in research is important because the participants in a study should be protected from threats, injury or prejudice. This is a requirement by the University of Fort Hare research policy. In conducting this research, the researcher observed the right of informed consent for all participants. Respondents were advised that they have a right not to respond to any questions if they did not want to do so. The purpose of the study was clearly explained to them.

The researcher adhered to the ethics of confidentiality, anonymity and the right to privacy. The participants were informed that their anonymity and confidentiality of their

¹⁴⁷ Ibid.

¹⁴⁸ Heppner et al (1992). Sociology. London: Longman. University of Pretoria edited -Charema. (1994), 78.

disclosures would be protected unless they consent to the release of personal information¹⁴⁹. The researcher adhered to the rights of privacy by using pseudo names during the interviews. Finally, in reporting the results, the researcher observed the findings as they were reflected. It is the responsibility of the researcher to accurately report and prevent misuse or distortion of the results¹⁵⁰.

3.14 DATA ANALYSIS PROCEDURE

Data analysis is the process of bringing order on the structure and meaning of the mass of collected data¹⁵¹. Further, qualitative data analysis is a search for general statements about relationships among categories of data¹⁵². In analyzing the data, the researcher reviewed the records in order to capture the details and make sense of the interview as a whole¹⁵³. Data gathered from individuals, focused groups and interviews was analyzed. This basically involves searching for trends, patterns and relationships¹⁵⁴.

3.15 LIMITATIONS OF THE STUDY

The researcher faced a number of challenges during the data collection phase. The sensitivity of the subject under research was evidenced by the way the respondents responded or reacted. It was difficult for the researcher to find many participants. Finally the researcher experienced difficulties as the study was linked to cultural beliefs. To

¹⁴⁹ De Vos et al (2002). Research at Grassroots. Pretoria, South Africa. Van Schaick, 360.

¹⁵⁰ Glucksmann (2004). Research methods: Qualitative and Quantitative Research Approaches 4th Edition Boston. Allyn and Bacon, 274.

¹⁵¹ See note 149 above.

¹⁵² Marshall & Rossman (1999). Designing Qualitative Research. Thousand Oaks: Sage Publications, 111.

¹⁵³ Ibid.

¹⁵⁴ Denzin, K.N & Lincoln, S.Y (2005). The handbook of research of qualitative research. London: Sage Publications, 34.

overcome these challenges, she also conducted interviews with people from relevant departments dealing with domestic violence such as South African Police Service¹⁵⁵, South African Social Security Agency (SASSA)¹⁵⁶, Traditional Leaders,¹⁵⁷ and the Department of Social Development¹⁵⁸.

3.16 CONCLUSION

Chapter 3 covered research methodology, a research paradigm, research design, population and sampling procedure. Qualitative research was adopted in this study. The research instruments, data collection and data analysis procedure were presented. Data was collected using questionnaires, observations, interviews and document analysis. This enabled the researcher to have knowledge of the factors that lead to domestic violence against rural women. Ethical considerations were also considered and are to be adhered to. Chapter 4 will deal with data presentation and analysis.

¹⁵⁵ South African Police Service (SAPS) is a department which deals with cases of domestic violence with the community, and they provide such victims with protection.

¹⁵⁶ South African Social Security Agency is a department assisting to support the victims of domestic violence when the offender is faced with Charges by the Court.

¹⁵⁷ Traditional Leaders are people who are appointed by the Chief to be in charge to the community focusing mostly on culture and tradition.

¹⁵⁸ Social Development is the department which deals with cases of victims of domestic to expose their offenders from national to local government in South Africa.

CHAPTER FOUR

DATA ANALYSIS

4.1 INTRODUCTION

The previous chapter discussed the research methodology used in this study. This chapter focuses on the findings and the researcher's analysis of the data. The essence of the study was to gain an understanding of the factors that conduce towards domestic violence against rural women. Information was gathered from the accounts given by eighteen participants about their experience of domestic violence in their relationships and from a focus group consisting of four professionals who have special knowledge of domestic violence. Two interviews schedules were used as an instrument for data collection. Data analysis was organized according to the themes that occurred during the study.

This chapter will also seek verification of the data collected with present theories¹⁵⁹. Since the data was collected in two phases, it is presented and discussed firstly from the eighteen participants and, thereafter, from the focus group interviews. The use of pseudo names was used in order to protect the identity of the participants which is in line with the ethical consideration of anonymity in research¹⁶⁰. The themes to be discussed included: demographic information; women's and men's understanding of domestic violence; factors that conduce domestic violence; the aftermath experience of violence; perceived services for victims and perpetrators; and, perspectives on existing law on domestic violence.

¹⁵⁹ Mounton, J. & Martias, H.C (1990). Basic Concepts in the methodology of the Social Science. Pretoria, UNISA, 75.

¹⁶⁰ De Vos A., S., H. Strydom, Fouche C., B. & Delport c., S., L. (2002). Research at Gross Roots. Pretoria. South Africa. Van Schaik, 199.

4.2 THEME ONE: DEMOGRAPHIC INFORMATION

This theme shows the demographic variables that categorized the sample. The research relied on the accounts given by eighteen (100%) participants who had experienced and or abused their partners. Eleven female and seven male participants were interviewed. This information was analyzed under five themes stated below:

4.2.1 TABLE ON STATUS OF RESPONDENTS

Age	Sex	Pseudonyms	Years	Marital status	Number of children	Educational status
Under 25	Female	Mbali	21	Married	2	Grade 8
	Female	Pinky	21	Married	3	Grade 7
	Female	Zinzi	22	Married	3	Grade 7
	Female	Zizo	21	Married	3	Grade 9
26-30	Male	Mkhuseli	29	Married	4	Grade 7
	Male	Mbuso	26	Unmarried	4	Grade 8
	Female	Dumsile	26	Married	4	Grade 7
	Female	zodumo	28	Divorced	3	Grade 12
30-35	Female	Mandisa	32	Cohabiting	5	Grade 7
	Male	Simbone	30	Cohabiting	3	Grade 12
	Female	Zuko	31	Cohabiting	5	Grade 7
	Female	Sibongiseni	35	Widowed	7	Grade 9
35-40	Male	Mahle	37	Married	8	Grade 10
	Female	Nandipha	35	Married	3	Grade 12
	Male	Thalente	39	Cohabiting	9	Grade 10
	Female	Sindiswa	35	Married	4	Grade 12
40-45	Male	Thokozani	44	Unmarried	8	Grade 10
	Female	Xoliswa	40	Married	0	Grade 12

4.2.2 Sub Theme: Age

The sample consisted of women and men between the ages of 21 and 44 years. Eleven of the women interviewed were between the ages of 21 and 40. There were only seven men who participated between the ages of 26 and 45. Some authors are of the view that age is related to increased instances of domestic violence¹⁶¹. They point out that the highest incidents of violence exists among men aged 18 to 29 because most young adults lack marital skills. In terms of the report given by the participants, their age difference did not have any effect on incidents of acts of violence towards the victims.

4.2.3. Sub Theme: Marital Status

There was only one woman who was widowed, and one woman who was divorced. There were two unmarried men. There were two men who were cohabitating as well as two women. The cohabitating participants were of the view that the high amounts of money or animals claimed for *lobolo* means that many of those who cannot afford may not be able to get married. One woman stated:

"Women were of the view that women who cohabit without marriage are more vulnerable to domestic violence. When people are cohabitating, confrontation on commitment by the women leads to violence. In the first place, women do not have the courage to call upon husband's family to intervene in their relationship. Secondly, the threats of losing lobolo when a marriage breaks down due to the husband's violence would not prevent a male cohabitant from unleashing domestic violence. I have a belief that female cohabitants who experience domestic violence suffer discrimination from police and other service providers because most abused rural women are not assisted by social workers and nurses because they are not married. The nurse said that since I was not married to my partner, there was nothing she could do to prevent the abuse. Her attitude

¹⁶¹ Bean C (1992). *Women Murdered by the men they loved*. Harrington. New York. Park Press, 18.

*was negative. She told her colleagues that I was stupid in continuing to stay with a man I was not married to.*¹⁶²

The other participants were married in a form of customary marriage, but none was married civilly. Customary marriage is recognized when two families entered into *lobolo* (Dowry) negotiations for the bride price. Bride price for most abused women makes it difficult for women to leave abusive husbands unless their families are willing to return the amount paid¹⁶³. This is further supported by the feminist ideology which contends that patriarchy is a set of social rules which enable men to dominate and control women¹⁶⁴. The study's findings was that *lobolo* form part of the social relations that continues male dominance over women as dowry in the African culture symbolizes the transference of power from women, from the girl's father, to the husband¹⁶⁵. The study further contends that, the payment of *lobolo* might have predisposed the perpetrators into committing violence against women as this social practice gives men power over their partners.

4.2.4 Table on Respondents' Occupational Status

Pseudonyms	Occupational status
Mbali	Unemployed
Pinky	Unemployed
Zinzi	Unemployed
Zizo	Unemployed

¹⁶² Mandisa, 2010: Interview.

¹⁶³ Bowmen C.J. (1999). Social Policy and the Law. U.S.A. Journal of Gender and Society. (3), 111-118.

¹⁶⁴ Loseke, D.R., Gelles R.J., & Cavanaugh M.M (2005). Current Contra verses on Family Violence 2nd Ed. New York.Sage Publications, 169.

¹⁶⁵ Ibid.

Mkhuseli	Mine worker
Mbuso	Mineworker
Dumsile	Unemployed
Zodumo	Unemployed
Mandisa	Unemployed
Simbone	Mine worker
Zuko	Mine worker
Sibongiseni	Unemployed
Mahle	Mine worker
Nandipha	Unemployed
Thalente	Mine worker
Sindiswa	Unemployed
Xoliswa	Unemployed
Thokozani	Mine worker

4.2.5 Sub Theme: Occupational Status

Seven of the participants (men) reflected in the data work as miners earning from R2500 to R5000 per month. On the other hand, seven participants (women) wholly depended on their spouses and child support grants to sustain their families. Research has revealed that the ability to provide for one's family has for long been viewed as part of the roles that men are meant to play¹⁶⁶. A husband has a legal duty to provide a decent amount for maintenance to an estranged wife relative to her living standard, irrespective of his income.¹⁶⁷

¹⁶⁶ Barker G. & Ricardo C. (2005). Young Men and Construction of Masculinity in Sub-Saharan Africa: Implications of HIV/AIDS, Conflicts and Violence. World Bank. (26), 1-3.

¹⁶⁷ <http://www.lawyersclubindia.com/forum/Re-husband-has-mora-legal-duty-to-provide-a-decent-maintain26742.asp#130105>. Delhi, Apr 4, (PTI).

4.2.6 Sub Theme: Number of Children

Six of the respondents had three children while four had four children; two had five children while two of them had eight children. One of the respondents had no child, one of them had two children, and lastly one had seven, while the other had nine children.

4.2.7 Sub Theme: Educational Status

Five of the respondents managed to achieve grade twelve, three obtained grade ten, six grade seven, two grade eight, and two grade nine. It is interesting to note that the participant's level of education seems to be the other contributing factor to domestic violence against rural women.

4.3. THEME TWO: FACTORS CONTRIBUTING TO DOMESTIC VIOLENCE

This sheds light on the respondent's description of the kind of violence encountered in their relationships. This part answers question one of the research question, which seeks to enquire about the awareness of rural women of their rights. The following sub themes emerged from the data gathered; namely, culture and tradition; poverty; infidelity; and lastly, patriarchy. Each will be presented below.

4.3.1 Culture and Tradition

When participants were asked about the reasons that cause domestic violence, women raised the issue of tradition. Traditionally, violence is justified on the grounds that the husband has the right to discipline his wife. More so, when a woman thinks that her husband is cheating on her, she is not allowed, according to culture, to ask him about it. It is contended that the African culture institutionalizes inequality between women and men; and this makes male violence against women a complex matter to deal with it. According to *Tshesane*:

"Traditional beliefs play a role in women abuse in the family context in the sense that most rural women believe that for the sake of protection and care, they should adhere to everything that their husbands say. They are therefore not

supposed to ask about their husbands' whereabouts. But then the irony in this belief is that men want to know where their wives have been, whom they were with and what they were doing."¹⁶⁸

Most men alluded to the fact that they were the heads of the house and therefore expected their spouses to respect them and that the issue of violence was meant to discipline their spouses.

The following were some of the response on domestic violence from the men:

*"Men who beat up their wives, do it to disciple their wives, they beat them up so that the women can recognize their positions as heads of the house."*¹⁶⁹

*"I think it is our culture, especially lobolo. To most men marrying a wife is equated to purchasing property and thus you will find that women are constantly reminded that the husband paid lobolo for her. Because of this if a women does things against their husbands wishes it is regarded as disrespecting, and actions like that do warrant punishment, hence the use of violence comes in."*¹⁷⁰

*"Most men do not see violence as an abuse but they feel they have to do it as men, because induku iyawakha umuzi (the use of a stick builds the house)."*¹⁷¹

¹⁶⁸ Tshesane M. "Women Abuse in the Family Context: An Ethological Approach" (2000) 1 at <<http://www.crisa.org.za/downloads/phy.pdf>> (accessed on 2 November 2010).

¹⁶⁹ Thalente, 2010: Interview.

¹⁷⁰ Thokozani, 2010: Interview.

¹⁷¹ Mbuso, 2010: Interview.

These findings are in agreement with feminist ideologies which hold that the patriarchal nature of some societies explains the suppression of women and the domination of men over women. Thus male violence within families is part of a wider system of male power¹⁷². This ideology meets the hegemonic manhood concept which explains that men's use of violence against women embodies the currently accepted answer to the legitimacy of patriarchy, which guarantees the dominant position of men and subordination of women to men¹⁷³. Further, it shows that rural women often place their needs second to those of their partners, children and the family. As a result, this jeopardies their health concerns, especially in situations that involve family violence.

Research on family violence in rural areas in Australia and Canada has shown that women's experience of family violence is shaped by social and cultural factors¹⁷⁴. Concern for economic security and inheritance for children, closeness, belongings and values of family unity and traditional gender roles are factors in rural areas that form the social and cultural context in which women's health and wellbeing are surrounded.

4.3.2 Infidelity

In many instances, betrayal through infidelity can lead to domestic violence. Unfaithful parties are often insensitive to the pain that is inflicted which is not different from that of perpetrators of physical and psychological violence. Often the faithful party is vulnerable and dependent as the victim of repeated bashing. Furthermore, the behavior patterns of ongoing infidelity often parallel the well-documented stages in the cycle of domestic violence.

¹⁷² Danga T (2008). Unpublished thesis on Male perspective on Gender violence in South Africa. University of Fort Hare Alice, 34.

¹⁷³ Gilgun, J.F., & McLeod L. (1999). Gendering Violence. Minnesota, USA. Elsevier.

¹⁷⁴ Sarah Wendt. School of Psychology, Social Work and Social policy. University of Australia. Magill SA.

<http://rsj.econtentmanagement.com/archives/vol1/20/issue/1/article/3806/understandingcontextoffamilyviolence>.

Gender inequality and patriarchy (social structures where men take primary responsibility and dominance in their households) encouraging multiple sexual partners for men inside and outside marriage, while women are required to be faithful and monogamous. Such socio-cultural practices and norms make men and their partners especially vulnerable to diseases such as HIV/AIDS. A study in Zimbabwe revealed that one in eight married men said they had casual sex in the past years, but only one in hundred women said they had sex outside marriage. When all eight women were asked about infidelity they indicated that infidelity causes violence in their relationships. One woman stated:

*"The reason why we have a high level of HIV/AIDS to us rural women our partners refuse to use protections (condoms) putting us into risk because they are having another affairs outside the marriage."*¹⁷⁵

Black communities are more exposed to a culture of polygamous marriages, which is more prevalent amongst *Zulu* people. The culture of a husband having more than one wife is recognized by customary law. There is no restriction on the number of wives that a husband may have, except that he should be able to maintain all of his wives and that *lobolo* should be paid to each one¹⁷⁶. This custom then give privilege to those who are rich than those who are poor.

It has been revealed that men use that privilege to practice another culture called levirate union (*Ukungena*) custom where a male is appointed or chosen to have intercourse with a widow in order to fulfill the desire to have more children. This results in the man having to have multiple sexual partners. One woman said:

"Our partners have a hobby of starting relationships with widowed women because they know that it is easy to enter into that relationship because they

¹⁷⁵ See note 162 above.

¹⁷⁶ Oliver et al. (1996). Indigenous Law. Durban. South Africa.186.

don't pay lobolo again to the wife's family. As the wife I am not allowed to complain about this because it would cause conflict at home and my husband would leave me for a week to stay at the widowed woman's home."¹⁷⁷

It is important to take note that infidelity and polygamy are two different things, yet men fail to draw the line between the two. Those who cheat on their wives defend the practice by arguing that it is part of African culture. Traditionalists are concerned by the growing confusion between polygamy and infidelity in Black communities¹⁷⁸.

4.3.3 Poverty

Despite the fact that rural women contribute much in agricultural production and domestic food processing, they are economically dependent on men and such economic dependency expose them to domestic violence. It is understood that women unemployment in rural areas stands as high as 70% which is higher than urban areas, and compares to 46% nationwide¹⁷⁹.

Men believe that women should depend on them for financial needs, shelter, etc. In this case, they treat them as they wish. It is admitted that one of the reasons for submission is that most of rural women are not educated enough to understand what the difference is between abusive and non-abusive behavior and where to go for assistance. This implies that uneducated women suffer more than their educated counterparts since they as they cannot read and write and they are not well informed. Lack of knowledge due to

¹⁷⁷ Dumsile, 2010: Interview.

¹⁷⁸ Abraham, Chief Executive on the National Houses of Traditional Leaders. <http://www.onelovesouthernafrica.org/index.php/the-difference-between-infidelity-polygamy.Sithole>.

¹⁷⁹ Farmer, A., and J. Thieffenthaler (1997). 'An Economic Analysis of Domestic Violence'. Review of Social Economy 15(3): 337.

ignorance and illiteracy plays a significant role in the lives of most women who endure abuse and violence¹⁸⁰.

According to Box, economic inequality between men and women is a contributory factor to rape¹⁸¹. It is submitted that women's dependence on men for almost anything they need rips them off their rights to negotiate with their husbands since negotiation is seen as disrespectful. Consequently, women remain silent even where their rights are grossly violated for the fear of being left alone to suffer because refusal to give men what they want risk the removal of economic protection.

Eleven women (100%) described economic abuse in their relationships. This included women being denied money for basic needs or their husbands withdrawing all family savings from the bank account. Husbands attempt to have their wives fired from their jobs, and in one case a husband succeeded in doing so. One woman was denied health care after child birth by her partner.

*"When I had to go and buy groceries... he would give me R500 or R600. I could not even buy a panty. He would follow me into town to make sure that I was going there. When I left, he ripped up all my cards and cleaned out the bank account. I left with no money at all. He was trying to get me fired at work...there were times where I just had to leave and go home because he was phoning me 15 or 16 times a day."*¹⁸²

There is a need for rural health care workers to recognize the social and cultural context, especially those that impact on rural women, in order to provide appropriate

¹⁸⁰ See note 167 above.

¹⁸¹ Box S. (1983). Power, Crime and Mystification: London and New York; Tavistock Publishers Ltd, 150.

¹⁸² Mbali, 2010: Interview.

prevention and treatment programs to address rural women health issues. A common assumption in the literature on domestic violence is that women who are poor are more likely to experience violence than women who are not poor¹⁸³. Poverty is not necessary seen as a causal factor, but it is generally assumed to significantly increase the risk of domestic violence. On the other hand, the association between poverty and domestic violence is unlikely to be entirely unidirectional: the perpetration and experience of such violence may contribute to aggravating or even causing household poverty¹⁸⁴. Existing studies that have focused on women at the nexus of poverty and violence do not shed light on the cross-cultural validity of the poverty violence relationship, nor do they permit an evaluation of the health risks of women at the nexus of poverty and violence relative to those for other women¹⁸⁵. This is largely because such research has tended to be restricted to a specific population (population in housing project) and based on data from the developed world.

4.3.4 Patriarchy

Patriarchy is understood as a social system in which the father or eldest male is head of the household, having authority over women and children. Patriarchy also refers to a

¹⁸³ Ellsberg, M.C., Pena, R., Herrera, A.J., Liljestrand, J and Winkvisit, A (1999). Wife Abuse Among Women of Childbearing Age in Nicaragua. *American Journal Of Public Health* 89(2): 241-242. Heise, L.L. (1998). Violence Against Women: An Integrated. Ecological Framework. *Violence Against Women* 4(3): 262. Jewkes, R. (2002). Intimate Partners Violence: Causes and Prevention. *Lancet* 35 (9315): 1423-1425.

¹⁸⁴ Byrne, C.A., H.S. Resnick, D. G .kilpratic, C.L Best, and B.E. Sounders. (1999). The Socio Economic Impact of Interpersonal Violence on Women. *Journal of Consulting and Clinical Psychology*, 67.

¹⁸⁵ Menard, A (2001). Domestic Violence and Housing. *Violence Against Women* 7(6): 707-720. Miles-Doan, R. (1998). Violence between spouses and intimates: Does Neighborhood Context Matter? *Social Forces* 77(2): 623. Raphael, J. (2001). Public Violence and Domestic Violence. *Violence Against Women* 7(6): 699-703.

system of government by males and to the dominance of men in a cultural system¹⁸⁶. Men are by nature more competitive than women. Eventually, the main cause of women's rights abuse in patriarchal societies is lack of education. Educated women will be aware of what is right and what is wrong¹⁸⁷. They would be aware of the help and options that are available for them, and, most importantly, they would be aware of their rights. They would be able to distinguish religion from culture and tradition. Also women need to realize that their position in society is equal to that of the men in their society and not below them. Patriarchal societies, which are mostly traditional, limit women of their power to realize their full potential: firstly by limiting their education, and secondly, by enforcing cultural baggage on them.

4.4 THEME THREE: COPING WITH DOMESTIC VIOLENCE

4.4.1 General Coping Strategies

Women were asked how they cope with the abuse they received. Their responses indicated that coping takes place both within the relationship and in the women's interaction with the people around them. Women used coping strategies to deal with their partners, their children, their extended families and the outside world.

4.4.2 Keeping It Quiet

Many women took years to admit they were being abuse. Most did not label their experiences as abuse until they had been exposed to outside information. As a result, many women did not get support while they were in abusive relationship.

"I didn't even know that there was a problem, because at the time, I didn't even realize there was a problem. I accepted the way life was as the way it should be and if there were problems, I felt they were mine to deal with."¹⁸⁸

¹⁸⁶ <<http://en.wikipedia.org/wiki/patriachal> society. ^Mac Millam Encyclopedia of Sex and Gender, 1104.

¹⁸⁷ <<http://www.peacewomen.org/news/Iraq/May05/honour.html> .Al-Ajely,Z (2005)Killing for Honour.Retrieved Oct 12, 2008.

¹⁸⁸ Zodumo, 2010: Interview.

Failure to admit that abuse is happening can be very isolating. Women may choose not to see family and friends because they did not want to deal with questions and comments that may ensure. Many women do not like anyone to know about their situation and this makes it difficult for them to receive support. One woman was afraid to admit that the situation was real. She stated:

*"I never really told anybody what was going on because that would then be seen to be real and would have to do something about it."*¹⁸⁹

4.4.3 Embarrassment

Women attempted to cover up the situation because of the potential embarrassment that can be caused for themselves, children, or their partner in their families.

*"I believe I never let anyone know that I was embarrassed, ashamed of him .I was too ashamed to even let my own parents know."*¹⁹⁰

*"You really keep everything to yourself because you are ashamed of one thing and you don't want people to know the mess your life is in and I guess you always hope that it will change and turn around."*¹⁹¹

Another woman commented:

*"Probably I should have gone [to the doctor] a few times... I was always bruised, my breasts were always bruised...but then if I did, I would have to explain to the doctor how that happened."*¹⁹²

¹⁸⁹ Simbone, 2010: interview.

¹⁹⁰ Zizo; 2010: Interview.

¹⁹¹ See note 181 above.

¹⁹² Sibongiseni, 2010: Interview.

The above quotation shows clearly how the rights of women enshrined in the Constitution are violated and how the victims are helpless and endure with indignity and humiliation¹⁹³.

4.4.4 Fear of Acts of Revenge

Fear of act of revenge was very real concern for women. One woman described how her husband pointed a loaded firearm and threatened to shoot her:

*"I never reported the man because I was scared and he was going to come back and blow my head off and I didn't want to hurt my kids. I wanted to protect them and what kind of mother would I be if I had their father arrested."*¹⁹⁴

*"I feared that it would come back to haunt me. I was apparently the one who would let someone know because they were only two people who knew about this relationship and it was him and me. And if he had not told anyone then he would know that it would me."*¹⁹⁵

Fear of acts of revenge also includes fear of losing one's family. A respondent stated:

*"I was very fearful that he would take the kids and get joint custody because he was always saying that he would take them with him and that would be the last time that I stay and see my kids."*¹⁹⁶

The literature corresponds with the findings that domestic violence and abuse are used for one purpose: to gain and maintain total control over women. Abusers use fear, guilt, shame and intimidation to wear down their victims and keep them under their thumb¹⁹⁷.

¹⁹³ Preamble of the Constitution of South Africa. (1996)

¹⁹⁴ Sindiswa, 2010: Interview.

¹⁹⁵ See note 184 above.

¹⁹⁶ Nandipha, 2010: Interview.

¹⁹⁷ Jorge Yeshayahu Gonzales-Lara Sociologist, MA, CASAC (2010). Article on Living

The impact of partner abuse is more likely to result in greater psychological impact and suffering from trauma. The literature further concurs with the findings: almost in all accounts of domestic violence there is anticipation of male partner violence that leaves women in a much greater fear and inflicts pain and suffering on them¹⁹⁸.

4.5 THEME FOUR: ROLE OF PROFESSIONALS

The following sub themes emerged from them data gathered; namely, the form of help received from professionals; knowledge and use of Domestic Violence Act; the legal services offered to the victims; and other forms of service available to fight domestic violence. These will be treated in turn.

4.5.1 Help Received from Professionals

It was clear that victims of domestic violence in rural areas are only familiar with and use the help of social workers than any other available services. This is due to the fact that they don't want legal actions to be taken against their partners. The social workers in the first place give them counseling, mediation and advice on how to join support groups. But all of these are ineffective to women who live in rural areas. One woman stated:

*"I don't think mediation by somebody who is not a member of the family is respectful to my husband and the elders of the family may create another conflict with my husband."*¹⁹⁹

*"Fights at home should be dealt with by the members of the family. To take family issues to the community is against the culture."*²⁰⁰

in Fear Domestic Abuse and Violence Psychological Harm and the effects of domestic violence on children.www.scribd.com Research>Health & Medicine.

¹⁹⁸ Heshemi, S.M., S. R Schuler, and A. P. Riley (1996). 'Rural Credit Program and Women's Empowerment in Bangladesh'. World Development 24: 635.

¹⁹⁹ See note 181above.

²⁰⁰ Ibid.

The social workers mentioned that they mostly provide counseling to the abused while counseling is provided by the Victim Empowerment Center.

The findings revealed that women in rural areas do not believe in the form of help that they receive from professionals because of the culture which prevent them from seeking assistance. These findings do not concur with the literature that private negotiations may play a noticeable role in a life of a women in abusive relationship as screening questions will be conducted privately away from the women's partner, family or friends²⁰¹. This statement is contrary to the findings because women believe that they should discuss family matters within the family or remain silent.

Some participants stated that they believed that is better to seek help from traditional doctors. The following admission was made:

*"To consult with a traditional doctor is the fastest way to do way with the problem, because you will be given something to pour in his food that will cause him to listen to me (Iva mna) and become supportive to the family. But the bad side of this medicine is that it needs to be renewed after sometimes and if it happens that my traditional doctor dies the medicine will be ineffective and the abuse will start afresh from where it stated."*²⁰²

4.5.2 Knowledge and Use of Domestic Violence Act

The Domestic Violence Act (DVA) was passed in order to extend the protection provided by its predecessor, the Prevention of Family Violence Act²⁰³. The DVA

²⁰¹ Campbell, J.C. (1998). Empowering Survivors of Abuse: Health Care for Battered Women and Their Children. Thousand Oaks: Sage Publications, 14.

²⁰² See note 199 above.

²⁰³ Constitutional Court of South Africa 'Women's Rights' <<http://www.constitutionalcourt.org.za/text/rights/know/women.html>>.

recognizes that domestic violence is a 'serious social evil'. It broadened the definition of the offence to include certain categories of harmful conduct against all partners in intimate relationships. In terms of the new definition, domestic violence includes any "controlling or abusive behavior, where such conduct harms, or may cause harm to the safety, health or well-being of the complainant"; and physical, sexual, emotional and economic abuse, as well as stalking and intimidation²⁰⁴.

The purpose of the DVA is to "afford a victim of domestic violence the maximum protection from domestic abuse that the law can provide; and to introduce measures which seek to ensure that the relevant organs of state give full effect to the provisions of the Act, and to convey the commitment of the State towards the elimination of domestic violence."²⁰⁵

A number of participants obtained information about DVA from the television and radio. Some got the information from social workers, South African Police Services (SAPS), and South African Social Assistance (SASA) while others obtained such information from relatives and friends. The SAPS together with Social Development Department were the most visible actors in most rural communities in raising campaigns and awareness on domestic violence. A participant said:

"There was a television Zulu drama on domestic violence against children and women and at the end of the program they talked about the Act and also gave out contact numbers that people can call when they are abused. After that drama played on television many people called the number for assistance that resulted

²⁰⁴ Gender-Based Violence Law in Sub-Sahara Africa (2007), 52. Report prepared for the Committee on African Affairs of the New York City Bar by lawyers: Eniko H., Zukani M., Kays M., Konare A., Yeora S., Ekaterina Y and Tally Zingher with the assistance of: Alana F. Montas and Nicole Manara.
<http://www.nycbar.org/pdf/report/GBVReportFinal2.pdf>.

²⁰⁵ Preamble of the Domestic Violence Act 116 of 1998. South Africa.

into a release of that drama as a DVD. The first time I watched the DVD it was on a campaign on 16 days of activism against women and children which was organized by the police and social development departments. This drama was called Kuyoze Kubenini and we were given those DVD's for free to watch with our families at home."²⁰⁶

The Act recognizes that domestic violence is not a private matter but is a serious crime against society. The legislation extended the definition of domestic violence to include not only married women and children, but unmarried women who are involved in relationships or living with their partners, people in same-sex relationship, mothers and their sons, and other people who share the same living space.

The Act sets out what the police must do when they arrive at a domestic violence scene. It recognizes that abuse may take many different forms: domestic violence, sexual abuse, economic abuse and emotional and physical abuse. Victims can lay a criminal charge, get a protection order, get a court order to have the abuser's gun or weapon removed and lodge a criminal claim for pain and suffering as well as medical costs.

The focus group indicated that most of the victims are ignorant about the Act and it is only when they seek help that they become aware that this Act is supposed to be of assistance to them. All the participants in the focus group mentioned that a lot of educational program about the Act from rural communities was still a major challenge. Although an overwhelming number of participants were not aware of the Act, few had made use of it and some obtained court interdicts such as protection orders.

One participant stated:

²⁰⁶

See note 169 above.

"I was given protection order by the magistrate and things have changed after that order was granted by the magistrate."²⁰⁷

The literature supports the findings and emphasizes that help must be available and that women must be knowledgeable about the availability of this resource and how to gain access to it.

4.5.3 Legal Services offered to Victims

4.5.3.1 Police

Most participants indicated that they have to travel long distances in order to access legal services. This may result in the work of the police and social workers being ineffective. It was also stated that police should be more sensitive to cases of abuse and treat the victims of abuse with dignity and respect. In cases of domestic violence, the police should arrest the perpetrators and not tell the victims that they are not respecting their husbands. Some of the women are of the view that the police should explain the Act to the abused and be definite when women provide statements as most of the time they are hurt.

4.5.3.2 Domestic Violence Offices

Participant mentioned that magistrates and prosecutors should be available in their offices because rural people have to travel long distances when they need help. Some felt that there was a need for a mobile legal team that will assist and focus on cases of abuse in the rural areas. One participant stated:

"We live in rural areas where there are no police stations, because these things are happening over the weekends and one cannot get assistance easily. But later when you go to the police station they just take a statement and send you to the magistrate only to find later that your docket went missing. The Government

²⁰⁷ See note 193 above.

needs to improve its infrastructure in rural areas in order to make these departments functional.”²⁰⁸

4.5.4 Other Forms of Combating Domestic Violence

The study assumed that the prevalence of domestic violence against rural women was caused by the influence of culture and economic dependence of women to men. This resulted in rural women having to be controlled by their husbands and families. Some of the participants mentioned that they need cultural and ethical sensitive intervention and empowerment strategies that could assist abused African women. Some mentioned that they need to be supported by the in-laws who will mediate in a fair manner. Some mentioned that women must be given sites by traditional leaders to build their homes.

One woman observed:

“According to our culture women are not permitted to be given sites from land owned by chiefs, only a man can put an enquiry to be given land. In this place the land that we live on belongs to the chief’s and not to the state. Women do not have the right to be allocated land which result in us becoming homeless after abuse. We need shelters and centers where we can go to with our children to save our lives from violence and abuse.”²⁰⁹

Some mentioned support from churches because most of the people believe in the teachings of the Bible. Further, they viewed the church as a respected place and refuge for all community members. The African Charter on Human and Peoples’ Rights state that women shall have rights to equal access to housing and to acceptable living conditions in a healthy environment²¹⁰. Others mentioned traditional practices that

²⁰⁸ Domestic violence office, 2010: interview.

²⁰⁹ Mandisa, 2010: interview.

²¹⁰ Article 16 of the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (1982). Maputo, entered into force 21 October 1986.

support and empower women such as community development programs (projects) and traditional gatherings (*Imigidi*).

It is therefore evident that a holistic approach and strategy that involve all stakeholders, civil society and the abused women will be vital in addressing and empowering those that are abused. South Africa is a party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which requires all member states to eliminate gender discrimination²¹¹. Further, Africa women should enjoin state parties to modify the social and cultural patterns of conduct of women and men with a view to achieving the elimination of harmful cultural and traditional practices.

The Africa Charter on Human and Peoples' Rights call on all States Parties to eliminate every form of discrimination against women and to ensure the protection of the rights of women as stipulated in international declarations and conventions²¹². The Charter further affirms women's rights that have been recognized and guaranteed in all human rights instruments, notably the Universal Declaration of Human Rights, the International Convention on Civil and Political Rights, the International Convention on Economic, Social and Cultural rights, and other international and regional conventions relating to the rights of women. This resonates with the statement in paragraph 18 of the *Vienna Declaration* (1993) which states:

"The human rights of women and of the girl child-child are an inalienable, integral and indivisible part of the universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life, at the national,

²¹¹ Article 18 on the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and the Convention on the Elimination of All Form of Discrimination against Women (2002).

²¹² Article 18 of the African Charter on Human and Peoples' Rights (1981), entered into force 21 October (1986).

regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community”.

4.6 FOCUS GROUP INTERVIEW

The second phase of data collection involved focus group interview consisting of four professionals. The motivation to conduct focus group interview consisting was to obtain information from people who have experience and knowledge from being involved with working on issues of domestic violence. This was also done with the intention of getting a general picture of the severity of the problem in the *Umzimkhulu* municipal area. Further, it was hoped that these professionals would give information on the type of services they offered to women that are abused and on the effectiveness of those services.

Based on the focus group interview, the following themes emerged from the data collected. These are: the factors that cause domestic violence; services offered by the respective organizations; assistance for victims of domestic violence; and improving existing laws.

4.6.1 FACTORS AFFECTING DOMESTIC VIOLENCE

4.6.1.1 Causes of Domestic Violence

When participants were asked about their view on the causes of domestic violence, there were similarities in their responses. For instance, all the respondents i.e., the peace officer, social worker and domestic violence officer (Department of Justice and Constitutional Development) and chief (*Inkosi*) expressed the view that culture, infidelity and economic dependency of women on men play a major role in perpetrating domestic violence in *Umzimkhulu*. This is in line with what other writers found, namely that in the African culture physical abuse were frequently described using terms such as discipline and that men who were able to discipline their wives were regarded with approval as

maintaining order in the home²¹³. To a large extent, culture was the culprit in the perpetuation of violence in Sisonke. The Peace Officer had this to say:

*“Black women were made to believe that being beaten is normal and men knowing that beating women is normal and so it is a good thing. I believe that’s what makes domestic violence scary.”*²¹⁴

The social worker and Domestic Violence Officer argued that unemployment and dependency of women on men played a role on women abuse. The Domestic Violence Officer further stated that dependency makes a lot of men to have low self- esteem and thus violence is regarded as a strategy to boost their esteem.

The Chief (*Inkosi*) stated that violence in the villages was a result of practicing poor humanity (*Ubuntu*) amongst the community. He further stated that people were no longer live in terms of their cultural beliefs. This is because cultures condemn domestic violence on families. The husband has a responsibility to protect the family as the head of the family.

4.6.2 SERVICE OFFERED BY PARTICIPATING ORGANIZATIONS

4.6.2.1 Services Offered to Victims of Domestic Violence

Participants were asked about the services they were offering to victims of domestic violence. The service offered by each of the organization was based on reported incidents of violence.

²¹³ Kim, J (2002). “Women enjoy punishment: Attitudes and experiences of gender based violence Among PHC nurses in rural South Africa”. Human Rights Study Centre. South Africa. (54) 1243-1250.

²¹⁴ South African police Services (SAPS) Professional 2010: Interview.

“There are few incidence of reported domestic violence, maybe because we touch on the legal side of the mater, we start by opening a case for the victim and we help them to get a protection order against the perpetrator.”²¹⁵

The department of Social Development offered counseling and women empowerment skills to the parties involved and also try to mediate and assist the clients (abused women) to resolve the issue. The department works together with police in cases where women have been abused²¹⁶. The social worker stated that:

“In these communities, women have low self-esteem; low education and they accept the dominance of their spouses as a sign of love for them and so men are viewed as just trying to protect them. The worst scenario is that in some communities, men think that women are their property and they can do whatever they need to do to them to put order in the home. Usually in these communities, there is also son preference. Parents tend to think that the place for a woman should be in the house only doing domestic responsibilities.”²¹⁷

The police service stated that it was difficult to deal with domestic violence because reported incidents of domestic violence were not handled in a proper manner. The victims report the case but before the law can take its course the charges are dropped by the victims. This was caused by the poor relationship between the family and threats made by the perpetrator to the victim²¹⁸.

²¹⁵ See note 207 above.

²¹⁶ Social Worker, 2010: Interview.

²¹⁷ Ibid.

²¹⁸ Peace Officer, 2010: interview.

4.6.3 ASSISTANCE FOR VICTIMS OF DOMESTIC VIOLENCE

4.6.3.1 Assistance for Victims of Violence

The Peace Officer and Domestic Violence Officer agreed on the importance of education and awareness to the community before the law can take its stance. Half of the women in the study did not know what services were available to them when trying to deal with domestic violence or how to directly access such support services.

The Domestic Violence Officer further emphasized the importance of offering counseling to the parties. However, this was not easy to be realized in rural areas except if the community is involved. The peace officer stated that:

“The lack of awareness’s arises from the denial of spousal abuse as a problem in our society. People don’t talk about it and resources are not directed to dealing with it. As a result, women don’t realize that they are not the only women who are being abused and they do not know where to turn up for help.”²¹⁹

4.6.4 IMPROVING EXISTING LAWS ON DOMESTIC VIOLENCE

4.6.4.1 Making Existing Laws and Policies Effective

Three out of four participants were of the view that the law is effective although rural people do not consider it as a first resort. On the other hand, one was of the view that to bring back men gatherings (*Imbizo*) to discuss the impact of domestic violence and its course will be the solution. The Chief stated that:

“To bring back the land to be ruled by them could make the situation in rural areas to be easily managed because government and the laws are not easily accessed by rural people. Further, all this comes with service delivery which is very poor in this place.”²²⁰

²¹⁹ Ibid.

²²⁰ Chief, 2010: Interview.

The other three participants were of the view that:

“The law enforcement agencies should use the law to protect women and the community at large; otherwise the law would be ineffective. The law should focus on the side of protecting the victim rather than punishing the perpetrator.”²²¹

In support of this view, both the social worker and the Chief shared the view that the law was ineffective.

“In as far as the law is concerned we have a problem with the law protection orders given to the victims because in most cases they cause more violence in the house and may lead to the husband abandoning the wife by not taking care of the family or making (the husband) so angry such that he can even abuse her more. So we are not content to say that the law is effective. Furthermore the police do not have enough capacity in dealing with these matters. We don’t think that most of them even know about the Act and the most of them being men would usually support other men.”²²²

The respondents viewed the rise of domestic violence cases as a clear indication of the effectiveness of the law. This was because men react by withdrawing their responsibilities as breadwinner or even abusing the women more. It was also revealed that protection orders against spouses fuel violence in the home rather than reduce it²²³.

²²¹ The Domestic Violence Officer, Peace Officer and Social Worker, 2010: Interview.

²²² See note 217 above.

²²³ Parenzee.P, Artz L.,K. (2001). Monitoring the Implementation of the Domestic Violence Act. Institute of Criminology. South Africa, 645.

The researcher was of the view that there is still a need to capacitate most professionals on domestic violence laws in order for them to understand the authority they have under existing laws and this would result in better service delivery.

4.7 CONCLUSION

The chapter discussed the experiences of eighteen victims and perpetrators of domestic violence and four professionals. The men's accounts (perpetrators) were characterized by power; some of them agreed that violence was perpetrated to discipline women in instances where women failed to live up to their expectations.

The analysis also revealed that the (female) participants have been abused by their spouses in different ways: physically, psychologically, emotionally and economically. This was promoted by many factors such as historical background of the area which also include lack of education, culture and tradition, and lack of awareness of the dynamics with communities by the government officials.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

5.1 INTRODUCTION

The preceding chapter provided an understanding on the findings gathered during the analysis of data. This chapter presents a brief summary of the research study and states whether the research theory has been supported or not. The contribution of the study as well as its limitations will also be highlighted. Conclusions drawn from the study will be presented. Finally, the recommendations will assist the government and other stakeholders to empower rural women to realize their human and social security rights.

The purpose of this research was to investigate the factors that conduce towards domestic violence which is prevalent among rural women in the Sisonke District Municipality of Kwa-Zulu Natal Province. The reasons why women continue to support traditional beliefs that work against them were also examined. In addition, national legislation and international instruments for the protection of women's human rights were examined.

This research was caused by the ignorance and constant violation of women's human rights through loyalty to different traditional beliefs. Domestic violence against rural women is imposed by a system of patriarchy, economic dependence on men and poor education of rural people who are not aware of many of their rights. The principle underlying this study is that the inequality between men and women should be changed by educating women to defend their own rights.

The study was limited to *uMzimkhulu* in the Sisonke District Municipality of Kwa-Zulu Natal. To obtain information, in depth interviews with eighteen *Zulu* speaking

participants (eleven women and seven men) and four professionals were conducted. Chapter One focused on the introduction, defined the purpose of the study, provided the research question and limitations of the study.

Chapter Two focused on the literature review on the factors that conduce towards domestic violence against rural women. It further reviewed literature, and presented national legislations and international instruments aimed at protecting women against violation of their rights. The literature described why women stay in abusive relationships, despite the abuse and the violations that they endure.

Chapter Three described the methodology and research design that was used in the study. This chapter considered the different ways of analyzing data, ethics in research and issues of reliability and validity. The qualitative method of collecting and gathering information, combined with case study design was used. Face-to-face interviews were preferred as one way of collecting data from the participants.

Chapter Four was dedicated to the analysis of data obtained through face-to-face interviews. It further discussed and confirmed the findings with the relevant literature that was explored in Chapter Two. The findings were categorized into themes, namely demographic information; women's and men's understanding of domestic violence; factors of domestic violence; aftermath experience of violence; perceived services for victims and perpetrators; and, the perspectives on existing laws on domestic violence.

Having presented the summary of the study, the conclusion and recommendations drawn from analysis of the data collected from eighteen (eleven women and seven men) participants (victims and perpetrators) will be addressed. Thereafter, attention will be directed towards the focus group findings.

5.2 CONCLUSIONS BASED ON THE FINDINGS

The results revealed a number of factors which contribute to domestic violence against rural women. First of all, the respondent's tolerance in intimate relationships was singled out as a factor that led to the use of violence. Having many partners is evidenced of the legacy left by some of the cultural practices like polygamy. These practices are patriarchal in nature as they allow men to marry more than one wife. Men's hegemonic practices were exposed as they use violence to silence their partners from inquiring about their extra marital relationships.

The literature asserts that the uneven distribution of power embedded in the traditional African marriages is portrayed through acknowledgement of polygamy and the acceptance of male promiscuity²²⁴. Further, the study revealed that violence is intensified by the payment of *lobolo*. One participant states that:

*"The payment of lobolo as a cultural practice to all Black communities gives men power to control women. To most men marrying a wife is equated to purchasing property and thus you will find women are constantly reminded that the husband paid Lobolo for her."*²²⁵

The practice is partly a symbol of the men's ownership of the spouse and such beliefs explain the high incidents of violence prevalent under African customary marriages. The study contends that the use of violence by men during arguments with their spouses is evidenced by lack of social skills such as communication and problem solving skills.

²²⁴ Bowman C.J (1997). Social Policy and the Law. U.S.A. Journal of Gender & Society (3), 111-113.

²²⁵ Thokozani, 2010: Interview.

5.3 RECOMMENDATIONS ON INDIVIDUAL INTERVIEWS

There is an urgent need for counseling for male violence perpetrators and these should offer: behavior change sessions, alternative coping skills, improved self-esteem, social skills and communications, and marital skills programs. The researcher believes that embracing such skills will reduce the probability of men using violence against their spouses.

There is a need to address gender issues in most communities through awareness programs that will challenge the negative impact of customs such as *lobolo* whilst at the same time preserving their positive aspects. The issues of infidelity need to be addressed in conjunction with HIV/AIDS education. The fight against AIDS pandemic should be taken together with efforts to combat crimes against women such as abuse, violence and rape.

There is a need for educational programs that focus on men. Specifically they should focus on disseminating information on domestic violence and its effects in order to sensitize communities on this issue. Barnett states that men have a major role to play in educating other men about the nature of abuse and how men can change²²⁶. The programs should also extend to schools and other places where young people congregate in numbers so as to deconstruct the patriarchal system as a breeding ground for gender related violence.

Community outreaches should extend to how to disseminate information so as to strengthen informal civil society networks (family, church, traditional leaders and chiefs) and on how to provide concrete assistance in domestic violence situations.

²²⁶ Barnett O.; Perrin R.D (2005). Family Violence Across the Lifespan, An Introduction, (2nd Edition). United States of America. (Sage Publications), 56.

5.4 FOCUS GROUP INTERVIEW: SERVICE PROVIDERS

The following are conclusions were drawn from the focus group interview with the service providers.

5.4.1. Factors affecting Domestic Violence

Under this theme, the focus group largely shared the same sentiment as the victims and perpetrators as they agreed that culture, economic dependence of women to men and infidelity play a major role in the acceptance of domestic violence against rural women in *uMzimkhulu*.

It was revealed that unemployment and poverty make men feel powerless by not being able to provide or fund for their families and this force them to use violence as a tool to demonstrate their masculinity. Lastly, the Chief believed that domestic violence in villages and communities is the result of poor humanity amongst the community, and therefore the practice of *Ubuntu* has much to offer as a solution.

5.4.2 Service Offered by Participating Organization

The focus group consisted of service providers from different departments. It revealed that domestic violence officers from the department of Social Development worked together with the South African Police Service to assist and support victims of violence and abuse. The social worker stated that social work offers counseling services to the victims and also health care services. In addition, social work makes the necessary referral of the victims to the police in order to file for a protection order.

The policemen stated that they do not have a precise kind of assistance to victims of domestic violence, except that their institution engages in crime prevention work in the community. This is done by distributing information on domestic violence and other forms of crime. The research also established that these services providers do not seem to have concrete procedures and capacity to deal with domestic violence perpetrators. Beside couple counseling, which is usually ineffective, most perpetrators

are under the assumption these organization favors the victims and this make them to take a defensive stance.

5.4.3 Assistance to Victims of Domestic Violence

Four of the service providers stated that there is need for more education on domestic violence to all perpetrators, victims and the community in general. Such education and information should enlighten especially men on the effects of violence on their partners and also on measures that can be taken against them if they engage in abusive conduct. In addition, the need for more counseling programs for the perpetrators is needed. Lastly, the social worker stated that there is need for employment opportunities in the *Umzimkhulu* community and more income generating projects. This would reduce the poverty and helplessness felt among many residents, and therefore improves relationships within families and within the community.

5.4.4 Effectiveness of the Law

The focus group discussion revealed that some of the three service providers observed that the law was effective and thus they did not make further recommendations. On the other side, the social worker and domestic violence officer stated that the law was ineffective because statistics and cases on domestic violence were on the increase. Furthermore, the social worker expressed her concern on resistance against protection orders because in some instances it works in favors of the situation for the victim. It was thus recommended that the law be reviewed. The following conclusions can be drawn from the above.

5.5 RECOMMENDATIONS ON FOCUS GROUP INTERVIEWS

Service providers such as social workers recommended that there is a need to lobby for financial assistance from the government through the local municipality and Non-Governmental Organizations (NGO's) to initiate income-generating projects in the community that would assist families to meet their needs, as unemployment is high.

Service providers need to be capacitated with existing procedures in dealing with male violence perpetrators, thus, resources should be made available for such initiatives. Service providers need to organize outreach campaigns that seek to enlighten men on domestic violence and its effects on their partners, families and the community at large. The Domestic Violence Act need to be well publicized and training should be provided to service providers, and all the stakeholders involved need to work collectively.

There is a need to inform service providers such as traditional houses, police, social workers and the Department of Social Development on the importance of cooperation between their departments in dealing with domestic violence. This is due to the fact that domestic violence has complex implications and, in most cases, requires the attention of chiefs, social workers and the police.

An integrated and holistic approach can provide comprehensive services to many abused women. In-service training through workshops and seminars has empowered service providers on the content and application of the Domestic Violence Act.

5.6 A FINAL COMMENT

The study attempted to look into the factors that lead to domestic violence against rural women. It is important to conclude that most of the statements stated by respondents largely support culture as the major reason for the abuse of women. However, other factors such as dependence of women to men, the level of education of rural people and high unemployment contribute to domestic violence. The research contributed to the literature by providing insights on men's interpretation or perceptions of their actions which cause violence and abuse against women.

The effectiveness of law was brought into question because of the ineffectiveness of the protection order, whether perceived or not Service providers provided that perspective on this issue and the type of services they offer in dealing with domestic violence.

Important to note is that there is need for cooperation amongst the service providers to fight violence against rural women.

APPENDIX OF QUESTIONNAIRES

It would be noted that these questions were not asked in the order given below; it all depended on the responses given by the respondents. In addition, the questions do not represent the exact manner in which they were asked.

Interview Schedule One: Factors that conduce towards domestic violence against rural women

Personal Information

1. Name
2. Age
3. Marital status
4. Occupational status (man & woman)
5. Educational status
6. Number of children

Awareness of rural women of their rights

1. Do you have a knowledge or understanding of your rights?
2. Do you receive protection on those rights?
3. How much protection that you receive?
4. What impact did protection bring into your relationship?
5. What can you say about your protection and security?

Understanding of domestic violence

1. What do you understand by the term domestic violence?
 - Physical
 - Economic
 - Emotional
2. Do you experience domestic violence from the family?
3. What/ who causes it?

4. Do you treat that as domestic violence?
5. What do you do to prevent such incidences?

Dependency of women to men

1. Are you employed?
2. What is your source of income?
3. How many sources that you dependent on?
4. How much that you receive?
5. How many members that dependent on that amount?
6. Is it enough to cater for your needs?
7. What happens if it not enough?

The effect of culture towards domestic violence

1. Do you think culture has an influence on the realization of your rights?
2. What is the importance of the family as a unit, in the protection of your rights?
3. Do you report incidents of violence to your family?
4. What is their reaction towards your case?
5. How is the community and chiefs (Amakhosi) protecting you from violence?
6. Do you report cases of violence into customary court?
7. How do they treat and help you in those cases?

Perspectives on the existing domestic violence laws & legislation

1. Are you aware the laws against domestic violence in South Africa?
2. What is your opinion of them?

Interview Schedule Two: FOCUS GROUP INTERVIEWS: Service providers

Causes of violence

1. In your working experience with domestic violence victims what have been the major causes for conflicts in relationships?
2. Which are the most common ones and why?
3. Does dependency of women to men causes domestic violence?

4. Does culture has an effect to women abuse?

Services offered by each organization

1. What sort of help does your institution or organization offer to men who abuse women?
2. Do you think your services are effective and why?

Assistance for male violence perpetrators

1. What sort of help should be given to men who abuse their partners?
2. State the assistance

Evaluation of existing policies

1. Do you think the existing policies and laws are doing enough to curb domestic violence in the home?
2. Yes or no and why?

How to improve existing laws

1. What do you think can be done to make the policies effective?
2. On a national level
3. On a local level

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